

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

250+251

Date of Decision: 21.12.2022

ARB No.105 of 2022(O&M)

M/S ANJANIPUTRA BUILDERS PVT LTD

.....Petitioner

Versus

RAJINDER SINGH

.....Respondent

ARB No.106 of 2022(O&M)

M/S ANJANIPUTRA BUILDERS PVT LTD

.....Petitioner

Versus

AMRIK SINGH AND ORS

.....Respondents

ARB No.107 of 2022(O&M)

M/S ANJANIPUTRA BUILDERS PVT LTD

.....Petitioner

Versus

RAJINDER SINGH

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Munish Gupta, Advocate
for the petitioner.

Mr.Karan Sharma, Advocate for
Ms.Divya Sharma, Advocate
for the respondent.

Mr.Amit Mehta, Advocate
for applicant-respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

Vide this common order, ARB Nos. 105, 106 and 107

of 2022 are being disposed of. The facts are being culled out from ARB No. 105 of 2022.

The petitioner has preferred this petition under Section 11 read with Section 15 (2) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator.

Tentative value of claim of the petitioner in ARB No.105 of 2022 is 3,88,63,157/-, in ARB No. 106 of 2022 is 4,78,00,000/- and in ARB No.107 of 2022 is Rs,4,92,00,000/-.

It appears from the record that ARB Nos.260, 261 and 262 of 2019 were disposed of by the Co-ordinate Bench vide order dated 13.03.2020 by noticing that in ARB No.26 of 2011, Sh.S.K.Chopra, District and Sessions Judge (retd.) was appointed as sole Arbitrator vide order dated 21.02.2014. The said Arbitrator had entered upon the reference between the parties, but before he could finally adjudicate the same, the mandate of the arbitrator was terminated due to his ill health. Thereafter, application was filed under Section 15 (2) of the Arbitration and Conciliation Act for appointment of another Arbitrator. Hon'ble Mr.Justice N.K.Sodhi, a former Chief Justice of Kerala and Karnataka High Courts was appointed as sole Arbitrator in place of earlier Arbitrator. The newly appointed Arbitrator also could not culminate the arbitral proceedings due to ill health and the Hon'ble Judge/ Arbitrator issued email to the parties showing inability to handle these matters any further. That is how, the present petition came to be filed.

Learned counsel for the petitioner submits that the application under Order 1 Rule 10 CPC filed by the proposed respondent-Gurkirpal Singh and other applications are pending consideration before the Arbitrator and, therefore, the civil miscellaneous applications be ordered to be disposed of by the Arbitrator in accordance with law.

Keeping in view the nature of controversy and the

facts and circumstances of the case, I deem it appropriate to appoint Hon'ble Mr.Justice Ajai Lamba, (Former Chief Justice), House No.575, Sector 16, Chandigarh (Mobile: 7080888888) as the sole Arbitrator, to resolve the dispute/difference between the parties. All pleas are available to the parties to be raised before the Arbitrator.

The appointment of the Arbitrator shall be subject to the declaration to be made by him as required under Section 12 of Arbitration and Conciliation Act, 1996 in respect of his independence and impartiality to settle the dispute between the parties.

The Arbitrator would complete the proceedings within the specified time in terms of Section 29-A of the said Act. The Arbitrator shall be paid fee in accordance with the IVth Schedule of the Act as amended from time to time. The fee shall be borne by both the parties equally.

The venue will be as per convenience of the Arbitrator.

A copy of this order be dispatched to the Arbitrator at the following address:-

"Hon'ble Mr.Justice Ajai Lamba, (Former Chief Justice), House No.575, Sector 16, Chandigarh (Mobile: 7080888888)"

All pending applications would also be considered by the Arbitrator.

Petition stands disposed of accordingly.

(RAJ MOHAN SINGH)
JUDGE

21.12.2022

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1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No