

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

ARB-144-2022 (O&M)

Date of decision : April 18, 2022

M/s Cinepolis India Pvt. Ltd.

..... Applicant

Versus

M/s Coral Realtors Pvt. Ltd and another

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ambanshu Sahni, Advocate for the petitioner.

Mr. Nitin Kaushal, Advocate for respondent No.1.

LISA GILL, J.

Prayer in this petition under Section 11 of the Arbitration and Conciliation Act, 1996 (for short – ‘the Act’) is for appointment of sole independent Arbitrator for resolution of disputes and differences arising out of Agreement dated 17.03.2020, Annexure P-1, executed between the parties. It is submitted that dispute arose between the parties with both raising claims and counter claims. Clause 12.9(ii) of the agreement provides for resolution of the dispute through arbitration.

Notice of motion.

Mr. Nitin Kaushal, Advocate appears on behalf of respondent No. 1 and accepts notice. He does not deny existence of arbitral dispute between the parties and neither is existence of the arbitral clause denied.

Keeping in view the facts and circumstances as above, there is undeniably no impediment to the appointment of independent Sole Arbitrator. Accordingly, this petition is allowed and Mr. Justice Arun Kumar Tyagi (Retd.), former Judge, Punjab and Haryana High Court, resident of #102, Shivalik Apartments, Plot No. GH-07, Sector 10-A, Gurugram, 122001, is appointed as the

Sole Arbitrator to resolve the dispute/differences between the parties out of agreement dated 17.03.2020. Appointment is subject to declaration to be made by the Arbitrator under Section 12 of the Act with regard to her independence and impartiality to settle the disputes between the parties. The Arbitrator to complete the proceedings within the time limit specified under Section 29-A of the Act. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended from time to time to be borne equally by the parties.

A copy of this order be dispatched to Mr. Justice Arun Kumar Tyagi (Retd.), former Judge, Punjab and Haryana High Court, at the following address:-
#102, Shivalik Apartments, Plot No. GH-07, Sector 10-A, Gurugram, 122001.

April 18, 2022
rts

(LISA GILL)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No