

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

ARB No. 437 of 2021(O&M)

Date of Decision: April 06 , 2022.

Bharat Singhal

..... PETITIONER

Versus

Gurmeet Singh and others

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Arun Bansal, Advocate and
Mr. Anubhav Bansal, Advocate
for the petitioner.

Mr. Rahul Deswal, Advocate
for respondents No.1 and 2.

Ms. Divya Arora, Advocate
for respondent No.3-Arbitrator.

LISA GILL, J.

Prayer in this petition under Section 11 read with Sections 12 and 13 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') is for appointment of an independent Arbitrator for resolution of disputes and differences arising out of Agreement, Annexure P1.

After execution of the agreement dated 24.01.2018, dispute arose between the parties. Claim was repudiated by respondents No.1 and 2. Clause 13 of the Agreement (Annexure P1) provides for resolution of the dispute through arbitration. The Arbitrator, respondent No.3, who entered reference, it is stated, was in fact a party to the agreement, therefore, an objection was raised by the applicant/petitioner. Notice of motion was issued in this petition, while noting the contentions of the petitioner as under:-

“Inter alia, submits that as per the agreement dated

24.01.2018 (Annexure P-1) between the parties, initially it had been agreed that one Pritpal Singh Pannu would be the Sole Arbitrator. The said person was also party to the agreement at Sr. No.5. It is submitted that on the dispute arising, he had entered into the reference, which had been objected to by the petitioner on 17.08.2021 (Annexure P-5). The same has been replied on the same date (Annexure P-6) by saying that he was no longer associated with the second party and in spite of that if the petitioner had any objection, directions could be sought from the Competent Court for his removal.

Notice of motion for 22.11.2021.

In the meantime, proceedings before respondent no.3-Arbitrator shall remain stayed.”

Existence of an arbitrable dispute between the parties is not denied, neither is the existence of the arbitration clause denied.

Learned counsel for the petitioner as well as the respondents agree that a sole independent arbitrator be now appointed instead of respondent No.3-company. Learned counsel submit that parties further agree that a total sum of Rs.50,000/- i.e., Rs.25,000/- each shall be paid by the petitioner as well as respondents No.1 and 2 to respondent No.3, who had earlier entered reference.

Keeping in view the facts and circumstances as above, this petition is allowed and Mr. Justice Paramjeet Singh Dhaliwal, former Judge, Punjab and Haryana High Court, resident of House No.2254, Sector 35-C, Chandigarh, Mobile No.7837049204, is appointed as the Sole Arbitrator to resolve the dispute/differences between the parties. Appointment is subject to declaration to be made by the Arbitrator under Section 12 of the Act with regard to his 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 Paramjeet Singh Dhaliwal, former Judge, Punjab and Haryana High Court, at the following address:-

House No.2254, Sector 35-C, Chandigarh, Mobile No.7837049204.

April 06 , 2022.
'om'

(LISA GILL)
JUDGE

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