

**ARB No. 94 of 2022 and
CR No. 770 of 2022**

-1-

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

(1).

**ARB No. 94 of 2022
Date of Decision: March 10, 2022**

**ANIL CHOKRA AND ANOTHER
Versus**

.... Petitioner(s)

NEERAJ GROVER

..... Respondent(s)

(2).

**CR No. 770 of 2022 with
Caveat Petition No.3415 of 2021**

**ANIL CHOKRA AND ANOTHER
Versus**

.... Petitioner(s)

NEERAJ GROVER AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

**Present: Mr. Mayank Kshirsagar, Advocate
for the petitioner(s).**

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**Mr. Amit Jain, Advocate
for the respondents.**

LISA GILL, J.

This order shall dispose of ARB-94-2022 and CR-770-2022 as the controversy therein is intrinsically linked with each other. Accordingly with the consent and at request of learned counsel for the parties both the petitions are taken up together for hearing and adjudication.

ARB-94-2022 has been filed by applicants Anil Chokra and Mrs. Sneh Chokra under Section 11(6) of the Arbitration and Conciliation

Act, 1996 (for short – ‘the Act’), for removal of Arbitrator and further appointment of a sole independent Arbitrator for resolution of disputes and differences between the parties arising out of Agreement dated 10.09.2019, Annexure P-1, executed between the parties.

CR-770-2022 has also been filed by the above said for setting aside order dated 28.09.2021 (Annexure P-19), passed by learned Additional District Judge, Gurugram, whereby application under Section 14 of the Arbitration and Conciliation Act, 1996 filed by the said petitioners has been dismissed.

Existence of an arbitrable dispute between the parties is not denied by learned counsel for the respondents, neither is the existence of the arbitration clause denied. During the course of hearing a consensus has emerged between the parties. Mr. Amit Jain, learned counsel for the respondents submits that respondents while not conceding in any manner the allegations/averments in the petitions have agreed for appointment of another independent Arbitrator at Gurugram in the interest of expeditious disposal of the entire dispute between the parties. It is submitted that they are interested in speedy disposal of the matter and do not wish to indulge in unnecessary and needless litigation, therefore, without prejudice to their rights or defence etc, they do not oppose termination of mandate of the Arbitrator Mr. Abhimanyu Dhawan, Advocate and the appointment of another sole independent Arbitrator.

Keeping in view the facts and circumstances as above, Mr. M.P. Mehndiratta, District and Sessions Judge (Retd.), resident of House No.1090, Sector 15, Part II, Gurugram, Mobile No.9250925555, 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. M.P. Mehndiratta, District and Sessions Judge (Retd.), at the following address:-

House No.1090, Sector 15, Part II, Gurugram, Mobile No.9250925555.

ARB-94-2022 is accordingly disposed of.

Needless to say in view of the consensus between the parties, mandate of Arbitrator Mr. Abhimanyu Dhawan, Advocate, stands terminated. It is clarified that the mandate of the said Arbitrator stands terminated in view of the amicable resolve of the parties and there is no expression of opinion on the merits of the matter. Order dated 28.09.2021 is set aside as a necessary corollary.

CR-770-2022 is disposed of accordingly.

March 10, 2022

Sunil

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No

**(Lisa Gill)
Judge**