

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

ARB-310-2019

Date of Decision: March 02, 2022

Horizon Connect Transways Private Ltd.

..... Petitioner(s)

Versus

Ludhiana City Bus Services Ltd.

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Piyush Kant Jain, Advocate
for the petitioner.

Mr. Sanjeev Soni, Advocate
for the respondent.

LISA GILL, J. (Oral)

Though matters were being taken up through physical hearing mode today, this matter has been taken up through video conferencing on specific request of learned counsel and in terms of circular dated 14.09.2021.

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/Contract dated 23.01.2015, Annexure P-2, executed between the parties.

Dispute arose between the parties and notice dated 11.07.2019 (Annexure P-5) was served upon the respondent by the petitioner invoking arbitration clause no.32.2.1 of the contract. Claim was repudiated by the respondent.

Though reply to the petition has not been filed, learned counsel for the respondent submits that there is no dispute regarding existence of an arbitrable dispute and existence of arbitration clause. Learned counsel for the respondent further submits that respondent has no objection to this petition being allowed by this Court.

Learned counsel for the parties submit that it is agreed between the parties that instead of an Arbitration Tribunal consisting of three Arbitrators, a sole Arbitrator to adjudicate the dispute between the parties be appointed and that the arbitration be conducted at Chandigarh instead of Ludhiana, as provided in clause 32.2.1 of the agreement dated 23.01.2015 or as per convenience of the Arbitrator. Learned counsel for the parties further submit that parties have arrived at a consensus for appointment of Mr. Justice (Retd.) Rakesh Kumar Jain, former Judge of this High Court as the sole Arbitrator.

Keeping in view the facts and circumstances as above, this petition is allowed and Mr. Justice (Retd.) Rakesh Kumar Jain, former Judge, Punjab and Haryana High Court, resident of House No.133, Sector-35, Chandigarh, Mobile No. 09780008134, 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 (Retd.)
Rakesh Kumar Jain, former Judge, Punjab and Haryana High Court, at the
following address:-

House No.133, Sector-35, Chandigarh, Mobile No.
09780008134.

02.03.2022

Sunil

(LISA GILL)
JUDGE

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