

2023:PHHC:123932

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

ARB-239-2017 (O&M)
Date of Decision:-20.9.2023

Tripta Sood through LRs

... Petitioner

Versus

Bhavish Rai Dhanda through LRs

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhinav Gupta, Advocate for the petitioner.

Mr. C.M. Munjal, Advocate for the respondent.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking appointment of an Arbitrator in terms of provisions of Section 11 of Arbitration and Conciliation Act, 1996.
2. The dispute arises out of a lease pertaining to a Marriage Palace, which had been leased out by the respondent to the petitioner. A dispute having arisen, the petitioner served notice dated 31.5.2017 (Annexure A-4 (Colly)) seeking invocation of arbitration clause and for appointment of an independent Arbitrator, but to no avail.
3. Learned counsel representing the respondent has not disputed the factum of lease in question and as regards there being an arbitration clause in the agreement dated 31.5.1993 (Annexure P-1).

4. Previously the matter had been sent to Mediation and Conciliation Center of this Court to probe the possibility of a compromise but it appears that no amicable settlement could be worked out.
5. Learned counsel representing the respondent has not seriously opposed the reference to an Arbitrator given the fact that there is a specific provision for arbitration in agreement dated 31.5.1993 (Annexure P-1) itself i.e. Clause No.16.
6. Having heard learned counsel for the parties and while noticing that Clause No.16 of agreement dated 31.5.1993 (Annexure P-1) specifically provides for resolution of disputes through an Arbitrator and requisite notice dated 31.5.2017 (Annexure A-4) has also been issued, the instant petition is hereby accepted.
7. Accordingly, Sh. Ashok Paul Batra, Addl. District & Sessions Judge (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Sh. Ashok Paul Batra, Addl. District & Sessions Judge (Retd.) under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.
8. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.
9. As per agreement expressed by learned counsel for the parties, for the sake of the convenience of their respective clients, as also of the Arbitrator, the venue for the Arbitration shall be at Arbitration Centre, Chandigarh or at any other place convenient to all concerned.

10. After seeking convenience of the Arbitrator, the parties are directed to appear before him on 20.10.2023 at 11:00 A.M. or any other date suitable to all concerned.
11. A copy of this order be sent to the appointed Arbitrator at the given address :
- H. No. 171-172,
Orbit Apartments, H-Tower, 5 th Floor,
Near Metro Wholesale, VIP Road, Zirakpur.
Mobile No.96464-79000.
12. The petition is accordingly disposed of in the above mentioned terms.

20.9.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No