

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 25 of 2020

Date of decision: 27th January, 2023

Zamil Air Conditioners India Pvt. Ltd.

Petitioner

Versus

Classic Infra Solutions Pvt. Ltd.

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Mrinal Beri, Advocate for the petitioner.
Mr. J. S. Rana, Advocate for respondent.

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') for appointment of an arbitrator for adjudication of disputes between the parties.

The petitioner was allotted work for supply, installation, testing and commissioning of plumbing and fire-fighting. Clause 17 of the general terms and conditions provides for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner raised claim vide notice dated 7.11.2019. Thereafter, the petitioner served notice dated 9.11.2019 for appointment of an arbitrator. On failure to do the needful, the present petition was filed.

Learned counsel for the respondent submits that there is a counter claim of the respondent and the same be kept open.

Learned counsel for the parties agree to the appointment of Mr. M. P. Mehndiratta, District & Sessions Judge (Retd.).

Accordingly, the present petition is accordingly disposed of by appointing Mr. M. P. Mehndiratta, District & Sessions Judge (Retd.), H.

No. 1090, Sector 15, Part-2 Gurgaon as the sole arbitrator subject to declaration to be made by him under Section 12 of the Act with regard to independence and impartiality to settle the dispute between the parties.

The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended. The fee of the arbitrator will be equally borne by both the parties.

The arbitrator is requested to complete the proceedings as per time limit specified under Section 29A of the Act.

It is clarified that the reference shall be subject to the petitioner's complying with all the requirements of the agreement including the condition of pre-deposit.

Since the main case has been disposed of, pending applications, if any, stand disposed of.

[AVNEESH JHINGAN]
JUDGE

27th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |