

Arbitration Case No. 166 of 2021

[1]

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

Arbitration Case No. 166 of 2021 (O&M)

Date of decision: 20th February, 2023

Rakesh Kumar Aggarwal

Petitioner

Versus

M/s Jamna Auto Industries Ltd.

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Ishma Randhawa, Advocate for the petitioner.
Mr. K. S. Shekhawat, Advocate and Mr. Madhukar Verma,
Advocate for the 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 brief facts are that the parties entered into a lease deed dated 18.12.2019 for a premises in Gurugram. The lease period was for nine years. Clause 12 of the lease deed provided for dispute resolution mechanism through arbitration.

There was a dispute between the parties.

The petitioner served legal notice dated 12.1.2021 which was replied to by the respondent on 15.2.2021.

Learned counsel for the petitioner submits that there is violation of terms and conditions of the lease deed.

Learned counsel for the respondent submits that keys of the premises were handed over, the lease deed was terminated and the petitioner cannot be permitted to revive the settled claim.

Scope of Section 11 of the Act is not to hold mini trial. *Prima*

facie, there is dispute between the parties and the lease deed provided for dispute resolution through arbitration.

Accordingly, the present petition is disposed of by appointing Dr. Shiva Sharma, District & Sessions Judge (Retd.), H. No. 195, Setor 56, HUDA, Gurugram as sole arbitrator.

Needless to say that the issues raised by learned counsel for the parties can be decided by the arbitrator during arbitration proceedings.

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.

Copy of the order be sent to the appointed arbitrator.

[AVNEESH JHINGAN]
JUDGE

20th February, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |