

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

Arbitration Case No. 121 of 2022 (O&M)

Date of decision: 24th January, 2023

Arpana Gupta

Petitioner

Versus

M/s Fresh Food and Beverages

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Aman Preet Kaur, Advocate for the petitioner.
Mr. Manish Miglani, 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 undisputed facts are that there was partnership deed entered between the parties. Clause 19 of the partnership deed provided for dispute resolution through arbitration.

The petitioner raised a claim and served notice dated 28.6.2021 for appointment of an arbitrator.

Learned counsel for the respondent submits that there is a dispute with regard to resigning of the petitioner from the partnership deed and also regarding signature of one of the attesting witness. He seeks liberty to raise the said pleas before the arbitrator at an appropriate stage.

Learned counsel for the parties agree to the appointment of Mr. R. S. Virk, District & Sessions Judge (Retd.).

Accordingly, the present petition is accordingly disposed of by appointing Mr. R. S. Virk, District & Sessions Judge (Retd.), H-7,

Aaron Ville, Fazilpur Road, Sector 48, Gurgaon as the sole arbitrator subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to settle the dispute between the parties.

Needless to say that the respondent would be at liberty to raise the pleas as raised for opposing the petition before the arbitrator at an appropriate stage.

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

24th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |