

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

**Arbitration Case No. 129 of 2022
Date of decision: 30th January, 2023**

Heritage Finlease Pvt. Ltd.

Petitioner

Versus

Heritage Project and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Manav Bajaj, Advocate for the petitioner.
Mr. Vivek Salathia, Advocate for the respondents.

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 tender for construction of Shopping Mall-cum-Multiplex. Clause 38(b) of the general terms and conditions provides for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner served notice dated 26.2.2022 for appointment of an arbitrator. On failure to do the needful, the present petition was filed.

Learned counsel for the respondents seeks liberty to raise the objections before the arbitrator.

Learned counsel for the parties agree to the appointment of Ms. Sunita Kumari, District & Sessions Judge (Retd.)

Accordingly, the present petition is accordingly disposed of by appointing Ms. Sunita Kumari, District & Sessions Judge (Retd.), 103, Krishna Square-I, near Celebration Mall, Amritsar as the sole arbitrator subject to declaration to be made by her under Section 12 of the Act with

regard to independence and impartiality to settle the dispute between the parties.

Needless to say that the respondents would be at liberty to raise the objections before the arbitrator.

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

30th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |