

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

**Arbitration Case No. 172 of 2022
Date of decision: 23rd January, 2023**

Ruby Gill

Petitioner

Versus

M/s Indian Oil Corporation Ltd. & another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Dhiraj Chawla, Advocate for the petitioner.
Mr. Ashish Kapoor, 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 retail outlet. Clause 62 of the arbitration agreement provides for dispute resolution through arbitration.

There was dispute between the parties. The petitioner served notice dated 10.3.2022 for appointment of arbitrator. On failure to do the needful, the present petition was filed.

There is no dispute between the parties that there is an arbitration clause and proceedings are subject to jurisdiction at Chandigarh.

Learned counsel for the parties agree that Mr. Sanjeev Kumar Garg, District & Sessions Judge (Retd.) be appointed as an arbitrator.

Accordingly, the present petition is accordingly disposed of by appointing Mr. Sanjeev Kumar Garg, District & Sessions Judge (Retd.), H. No. 518, IAS/PCS Society, Mullanpur, New Chandigarh 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.

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

23rd January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |