

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

**Arbitration Case No. 265 of 2022  
Date of decision: 30<sup>th</sup> January, 2023**

Flemingo Dutyfree shop Pvt. Ltd.

Petitioner

Versus

Airports Authority of India & another

Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Pawan Kumar Pahwa, Advocate for the petitioner.  
Mr. Vivek Singh, Advocate for the respondents.

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**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 duty free shop at Airport. Clause 22.2. of the general terms and conditions provides for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner served notice dated 23.11.2020 for appointment of an arbitrator. On failure to do the needful, the present petition was filed.

Learned counsel for the respondents submits that the petitioner had to comply with the condition as per clause 22.2.4 of the general terms and conditions.

Learned counsel for the petitioner submits that the petitioner had already made the pre-deposit and furnished the bank guarantee.

Learned counsel for the parties agree to the appointment of Mr. Justice Ajay Kumar Mittal, Retired Chief Justice.

Accordingly, the present petition is accordingly disposed of by appointing Mr. Justice Ajay Kumar Mittal, Retired Chief Justice, H. No. 26, Sector 4, 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.

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

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