

2023:PHHC:158186

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

ARB-184-2023 (O&M)
Date of Decision:-11.12.2023

M/s DSI Enterprises ... Petitioner

Versus

Gallant Sports and Infra Private Limited ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yashveer Kharb, Advocate,
for the petitioner.

Mr. Saurabh Dalal, Advocate,
for the respondent.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking appointment of an Arbitrator in terms of provisions of Section 11 of Arbitration and Conciliation Act, 1996. The petition is accompanied by a copy of memorandum of understanding (MOU) dated 26.3.2019 (Annexure P-1), which specifically provides for resolution of dispute by way of arbitration.
2. Although, the petitioner had served a legal notice dated 25.10.2022 (Annexure P-7) upon the respondent, but to no avail.
3. Pursuant to issuance of notice of motion, Mr. Saurabh Dalal, Advocate had put in appearance on behalf of the respondent on the last date of hearing and

has opposed the petition on the ground that no dispute exists amongst the parties.

4. This Court has considered the aforesaid submissions.
5. The factum of memorandum of understanding (MOU) dated 26.3.2019 (Annexure P-1) is not disputed. Since it is the specific case of the petitioner that the respondent has not honoured the conditions of the contract and the memorandum of understanding (MOU) does provide for resolution of dispute by way of arbitration in respect of which the petitioner has already served legal notice dated 25.10.2022 (Annexure P-7), the instant petition merits acceptance and is hereby accepted.
6. Accordingly, Dr. Shiva Sharma, District & Sessions Judge, Haryana (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Dr. Shiva Sharma, District & Sessions Judge, Haryana (Retd.) under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.
7. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.
8. The Arbitrator shall conduct proceedings at Gurugram or at any other place convenient to all concerned.
9. After seeking convenience of the Arbitrator, the parties are directed to appear before him on 9.1.2024 at 11:00 A.M. or any other date suitable to all concerned.
10. A copy of this order be sent to the appointed Arbitrator at the given address :

H. No. 195, Sector 56, (HUDA),
Gurugram122011, Haryana.
Phone No.95605-20062, 0124-4373297

11. The petition is accordingly disposed of in the above mentioned terms.

11.12.2023
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No