

2023:PHHC:162819

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

ARB-206-2022 (O&M)
Date of Decision:-19.12.2023

M/s Swift Securities Private Limited ... Petitioner

Versus

M/s Jones Lang Lasalle Building Operations Private Limited ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Vivek Sheoran, 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.
2. It is the case of the petitioner that an agreement dated 10.7.2017 (Annexure P-2) had been entered into between the petitioner and the respondent, as per which the petitioner was to render security services to the respondent. The agreement specifically provided for resolution of dispute by way of arbitration. A dispute having arisen, the petitioner initially sent a notice dated 3.8.2020 (Annexure P-7) seeking clearing of all the outstanding dues.

Subsequently, the petitioner served notice dated 29.1.2021 (Annexure P-8) invoking arbitration, but to no avail.

3. Learned counsel representing the respondent has submitted that the claim of the petitioner is time barred and that as per the terms of the agreement, the sole Arbitrator is to be appointed by consent of both the parties. It has thus been submitted that the instant petition deserves to be dismissed.
4. This Court has considered the aforesaid submissions.
5. Having regard to the specific provisions for resolution of dispute by way of arbitration in the agreement dated 10.7.2017 (Annexure P-2) and also the fact that the petitioner had initially served notice on 3.8.2020 (Annexure P-7) seeking clearing all the outstanding dues and it was thereafter on 29.1.2021 that notice invoking arbitration was issued, this Court is of the opinion that the instant petition deserves to be accepted.
6. Accordingly, Mr. V.K.Maheshwari, Principal Judge, Family Court (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Mr. V.K.Maheshwari, Principal Judge, Family Court (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 23.1.2024 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. 85, Sector 30,
 Gurugram, Haryana
 Phone No. 9910384671 and 0124-2384545
11. The petition is accordingly disposed of in the above mentioned terms.

19.12.2023
pankaj

(Gurvinder Singh Gill)
Judge

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