

Arbitration Case No. 380 of 2021 and connected case [1]

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

Date of decision: 21st February, 2023

- (1)

Arbitration Case No. 380 of 2021 (O&M)

M/s Mahima Production Ltd.

Petitioner

Versus

M/s Emaar MGF Land Limited

Respondent
- (2)

Arbitration Case No. 381 of 2021 (O&M)

M/s Mahima Production Ltd.

Petitioner

Versus

M/s Emaar MGF Land Limited

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Kunal Kalra, Advocate for the petitioner(s).
Mr. Kunal Dawar, Advocate for the respondent.

AVNEESH JHINGAN, J (Oral):

This order shall dispose of above-mentioned two petitions, as the parties are common and similar relief is sought.

For the sake of convenience, facts are being taken from Arbitration Case No. 381 of 2021.

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 an allottee of a flat. Clause 40 of the general terms and conditions provides for dispute resolution through arbitration.

There was a dispute between the parties.

Arbitration Case No. 380 of 2021 and connected case [2]

The petitioner raised claim vide notice dated 1.4.2021. Thereafter notice under Section 21 of the Act was issued on 19.6.2021. The needful having not been done, the present petition was filed.

Learned counsel for the parties agree to the appointment of Mr. M. P. Mehndiratta, District & Sessions Judge (Retd.) as sole arbitrator.

Accordingly, the present petitions are disposed of by appointing Mr. M. P. Mehndiratta, District & Sessions Judge (Retd.), H. No. 1090, Sector 15, Part-2, Gurgaon 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 cases have been disposed of, pending applications, if any, stand disposed of.

Copy of the order be sent to the appointed arbitrator.

Photocopy of the order be placed on the file of connected case.

**[AVNEESH JHINGAN]
JUDGE**

21st February, 2023
mk

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |