

Arbitration Case No. 227 of 2022

[1]

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

Arbitration Case No. 227 of 2022

Date of decision: 31st January, 2023

M/s Longstay Homes and Office Pvt. Ltd.

Petitioner

Versus

Neeraj Kumar Dubey and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Raj Kumar, Advocate for the petitioner.
Mr. Gaurav Arora, 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 work to develop and construct building at Gurgaon. Clause 27 of the general terms and conditions provides for pre-arbitral settlement mechanism and for dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner served notice 15.1.2022. The needful having not been done, the present petition was filed.

Learned counsel for the respondents has no objection to the appointment of arbitrator.

Learned counsel for the parties agree to the appointment of Mr. V. K. Maheshwari, Principal Judge, Family Court (Retd.) as the arbitrator.

Accordingly, the present petition is accordingly disposed of

by appointing Mr. V. K. Maheshwari, Principal Judge, Family Court (Retd.), H. No. 85, Sector 30, Gurugram 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

31st January, 2023
mk

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