

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

Arbitration Case No. 428 of 2021

Date of decision: 16th January, 2023

M/s Deva Swimming Institute through its partners Devender Lamba
Petitioner

Versus

The Managing Director of Haryana Tourism Corporation Ltd. & another
Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Yashveer Kharb, Advocate for the petitioner.
Mr. Prateek Mahajan and Ms. Saloni Sharma, Advocate for
respondent No.1.

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.

There was a licence agreement with regard to running of Health Club Spa and Swimming Pool at Hotel Rajhans, Surajkund, District Faridabad.

It is not disputed that Clause 40 of the licence agreement provides for dispute resolution mechanism through arbitrator.

Disputes resolution mechanism has also been provided in Clause 25 of the general conditions of contract.

There was dispute between the parties.

The petitioner gave notice dated 10.2.2021. On failure to do the needful, the present petition was filed.

Learned counsel for the respondent No. 1 relying upon the pleadings of the reply submits that the matter is still under active consideration.

Prima facie, there is dispute between the parties.

Learned counsel for the parties agree that arbitrator at Faridabad be appointed.

The petition is accordingly disposed of by appointing Mr. K. C. Sharma, District & Sessions Judge (Retd.), BBH-2, VILLA-3, Ground Floor, VIP Floors, Sector 81, Faridabad as the sole arbitrator subject to declaration to be made by him under Section 12 of the Act with regard to his 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.

Copy of the order be sent to the appointed arbitrator.

[AVNEESH JHINGAN]
JUDGE

16th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |