

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 443 of 2021
Date of decision: 12th January, 2023

DNV Furnitures

Petitioner

Versus

Nestaway Technologies Pvt. Ltd. and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Abhilaksh Grover, Advocate for the petitioner.
Mr. Amitabh Tiwari, 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.

A vendor agreement was entered between the parties. Clause 28 of the general terms and conditions of agreement provides for dispute resolution mechanism.

Notice dated 7.4.2021 was issued by petitioner for invoking arbitration. As the needful was not done, the present petition was filed.

Learned counsel for the parties are not in a position to dispute that there is a clause of arbitration.

The petition is accordingly disposed of by appointing Mr. Justice Rajiv Narain Raina, a former Judge of this court, resident of H. No. E/8-03 (GF), DLF-The Valley (Near Amravati Enclave), Pinjore-Kalka Urban Complex, Sector 3, Panchkula 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

12th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |