

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 329 of 2022(O&M)

Date of decision: 24th January, 2023

Kripa International and another

Petitioners

Versus

Micromax Informatics Ltd.

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajesh Sethi, Advocate for the petitioners.
Mr. Sukhsharan Singh, Advocate for the respondent.

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 petitioners were allotted distributorship. Clause 26 of the general terms and conditions of the agreement provided for dispute resolution through arbitration.

The petitioners raised a claim and served notice dated 23.5.2022 for appointment of an arbitrator. On failure to do the needful, the present petition was filed.

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

Accordingly, the present petition is accordingly 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

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.

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

24th January, 2023

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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No