

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 79 of 2021
Date of decision: 3rd February, 2023

Ram Avtar Gupta

Petitioner

Versus

ATC Telecom Infrastructure Pvt. Ltd. and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Naren Pratap Singh, Advocate for the petitioner.
Mr. Aman Bansal, 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 entered into an agreement with the respondent for setting up a tower on open space on the top of SCO No. 13, Sector 8, Main Market, Urban Estate, Karnal. Clause 15 of the general terms and conditions provides dispute resolution through arbitration.

There was a dispute between the parties.

The petitioner issued notice dated 6.1.2020. The needful having not been done, the present petition was filed.

Learned counsel for the parties agree to the appointment of Mr. Balbir Singh, District & Sessions Judge (Retd.).

Accordingly, the present petition is disposed of by appointing Mr. Balbir Singh, District & Sessions Judge (Retd.), H. No. 115, Sector 25, Panchkula 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

3rd February, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |