

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

ARB-361-2023 (O&M)
Date of Decision:-28.8.2023

Gulshan Popli ... Petitioner

Versus

Gurmit Singh and others ...

Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Kumar Kadian, Advocate for the petitioner.

Mr. Rahul Sethi and Ms. Rekha Chaudhary, Advocates
for the respondents.

GURVINDER SINGH GILL, J.

1. The petitioner seeks appointment of an Arbitrator in terms of Section 11 of the Arbitration and Conciliation Act, 1996 (in short hereinafter referred to as 'the Act').
2. Notice of motion.
3. Mr. Rahul Sethi and Ms. Rekha Chaudhary, Advocates appear on behalf of the respondents and have accepted notice.
4. The learned counsel representing the respondents has submitted that although a dispute does exists amongst the parties and as per the contract the disputes are to be resolved by way of arbitration but in the present case an Arbitrator has already been appointed by the respondents since the petitioner, despite notice, did not come forward to participate in the appointment process or to suggest any name of the Arbitrator. The learned counsel for the

respondents has, however, fairly submitted that his clients are open for any kind of reasonable settlement and that they would have no objection even in case a fresh Arbitrator is appointed by this Court.

5. In view of the aforestated submission on behalf of learned counsel for the respondents to which the petitioner certainly does not have any objection, the instant petition is disposed of by substituting the previous Arbitrator, if any, appointed earlier by way of appointing Shri K.C. Sharma, District & Sessions Judge, Haryana (Retd.) as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Shri K.C. Sharma, District & Sessions Judge, Haryana (Retd.) under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.
6. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.
7. The venue for the Arbitration shall be at Arbitration Centre, Faridabad or at any other place convenient to all concerned.
8. After seeking convenience of the Arbitrator, the parties are directed to appear before him on 15.9.2023 at 11:00 A.M. or any other date suitable to all concerned.
9. A copy of this order be sent to the appointed Arbitrator at the given address :

BB-2, VILLA-3, Ground Floor,
VIP Floors, Sector 81,
Faridabad, Haryana.

Phone No. 89303-37700 / 79883-11414

10. The petition is accordingly disposed of in the above mentioned terms.

28.8.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No