

Arbitration Case No. 617 of 2021

[1]

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

Arbitration Case No. 617 of 2021

Date of decision: 12th January, 2023

Nisha

Petitioner

Versus

The Director-cum-Principal and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Arun Bansal, Advocate for the petitioner.
Mr. Aditya Jain, Govt. Pleader for UT, Chandigarh.

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 is a licensee of a shop in Government Medical College and Hospital, Sector 32, Chandigarh.

It is not disputed between the parties that Clause 21 of the general terms and conditions provides for dispute resolution mechanism.

The petitioner gave notice dated 28.6.2021. On failure to do the needful, the present petition was filed.

Learned counsel for the respondents opposes the prayer for appointment of arbitrator stating that no amount is due as the entire hospital was not closed during COVID-19.

The contention of learned counsel for the respondents itself indicates a dispute between the parties.

Accordingly, the present petition is disposed of by appointing Mr. Tejinderbir Singh, Addl. District & Sessions Judge (Retd.), H. No.

5422, Sector 38, Chandigarh 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 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 |