

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

ARB-530-2023 (O&M)
Date of Decision:-14.12.2023

Spick And Span Services Pvt. Ltd.

... Petitioner

Versus

Municipal Corporation

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manpreet Kanda, Advocate, for the petitioner.

Mr. Prateek Mahajan, Advocate, with
Mr. Vasu Gupta, Advocate, for the respondent.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking appointment of an Arbitrator in terms of provisions of Section 11 (6) of the Arbitration and Conciliation Act, 1996.
2. It is the case of the petitioner that an agreement had been entered into between the petitioner and the respondent-Corporation, as per which the petitioner-firm was to implement the pilot project of street vending. The

agreement provided for resolution of dispute by way of arbitration. A dispute having arisen, the petitioner invoked arbitration and served a notice dated 01.12.2023 (Annexure P-31) but to no avail.

3. Pursuant to issuance of notice, Mr. Prateek Mahajan, Advocate, has put in appearance on behalf of the respondent and has fairly stated that the respondent does not have any objection for appointment of Arbitrator. It has also been informed that a similar matter had already been referred to the Arbitrator namely Shri M.S.Sullar, High Court Judge (Retd.) and that the parties do not have any objection in case this matter is also referred to the same Arbitrator as certain common issues would be involved.
4. Keeping in view the specific provision for resolution of disputes by arbitration in the agreement, the instant petition is allowed.
5. Accordingly, Shri M.S.Sullar, High Court Judge (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Shri M.S.Sullar, High Court Judge (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 Arbitrator may conduct proceedings at Arbitration Centre, Chandigarh 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 08.1.2024 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 :

H.No.220, Sector 25,
Panchkula, Haryana
Phone No.97800-08105

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

14.12.2023
mohan

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No