

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

ARB-11-2023 (O&M)
Date of Decision:-15.9.2023

Sunita Sandhu and another ... Petitioners
Versus
M/s Genesis Infratech Pvt Ltd ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. A.K.Jindal, Advocate for the petitioners.
None for the respondent.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners seek appointment of an Arbitrator in terms of Section 11(5) (6) of the Arbitration and Conciliation Act, 1996 (in short hereinafter referred to as 'the Act').
2. Pursuant to service upon respondent, Ms. Avanjot Kaur, Advocate, had appeared on 27.2.2023, but on the next date i.e. on 24.5.2023 none had put in appearance on behalf of the respondent. Even today there is no representation on behalf of the respondent. It appears that the respondent is not interested in contesting the petition. As such, the respondent is proceeded against *ex parte*.
3. The petitioners pursuant to Memo of Understanding dated 14.4.2018 had handed over possession of their property to respondent-M/s Genesis Infratech Pvt Ltd (developer) and in return the respondent was to pay assured

rent. However, a dispute having arisen, the petitioners served a notice dated 3.10.2022 invoking arbitration as specifically provided in the Memo of Understanding, but the respondent never having responded, the instant petition has been filed.

4. Having heard the learned counsel for the petitioners and having regard to the agreement which specifically provides for arbitration, the petition is accepted.
5. Accordingly, Shri Amarjit Singh Katari, Additional District and Sessions Judge (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Shri Amarjit Singh Katari 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. As per agreement expressed by learned counsel for the petitioners, for the sake of the convenience of his respective client, as also of the Arbitrator, the venue for the Arbitration shall be 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 30.9.2023 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 :

H. No. 145, Phase 3B-1,
Sector – 60, SAS Nagar, Mohali.

Phone No.9814112041.

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

15.9.2023

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No