

ARB-52-2023 (O & M)

... PETITIONER

... RESPONDENT

lawyer with 20 years of practice has been appointed “as the sole Arbitrator for all cases (if any) for the residential colony known as “SUTAJIO GRANDEUR” situated in Sector 56, Biwadi, Rajasthan, India.” Perusal of the reply further shows that the Arbitrator had been appointed pursuant to a resolution passed in 06.01.2020.

3. On a specific query to the counsel for the respondent, he could not point out any communication, by which the said Arbitrator has been appointed pursuant to the notice, Annexure P-2, served by the petitioner. Respondent could not produce any material to show that the appointed Arbitrator has issued any notice to the parties or has entered upon the reference. Therefore, this Court is of the view that the stand taken by the respondent in its reply, deserves to be rejected and the prayer made in the petition deserves to be acceded to.

4. Accordingly, petition is allowed. Sh. Raj Kumar, District & Sessions Judge (Retd.), S-18/1A, DLF Phase-3, Gurugram, Mobile No.9996746664, is appointed as the sole Arbitrator to adjudicate the dispute between the parties, subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to adjudicate the dispute between the parties.

5. Parties are directed to appear before the learned Arbitrator on 09.03.2024 or on any day, time and place to be fixed and communicated by the learned Arbitrator at his convenience.

6. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

7. The arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the Act.
8. Copy of the order be sent to the learned arbitrator.
9. Liberty is given to the parties to make a request to the Arbitrator for conducting the proceedings through the medium of video conferencing.
10. Pending application(s), if any, shall stand disposed of.

31.01.2024
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No