



ARB-45-2024

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

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ARB-45-2024

Date of Decision: 28.11.2024

Kailash Rani Bhasin

...Applicant

Versus

Airplaza Retail Holdings Private Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Varun Bansal, Advocate and
Ms. Parvathi Menon, Advocate for the applicant
Mr. Ashim Aggarwal, Advocate and
Mr. Gautam Goyal, Advocate for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.

2. The husband of the applicant entered into lease deed dated 27.06.2013 (Annexure-2) with the respondent which comprises of arbitration clause. The husband of the applicant has passed away and the respondent has paid partial amount of rent to her, however, there is dispute with respect to balance amount of rent.

3. Learned counsel for the respondent submits that undisputedly, there is an arbitration agreement, however, as per relevant Clause, Court at Haridwar has exclusive jurisdiction. The venue of arbitration is 'Gurugram' but jurisdiction of Court is at Haridwar.



4. Concededly, the registered office of the respondent is at Gurugram and it is carrying out its activities within jurisdiction of this Court. The premises which was let out by the applicant is within jurisdiction of Uttarakhand High Court. The lease deed clearly provides that venue of arbitration shall be Gurugram. Considering these facts, this Court finds it appropriate to invoke jurisdiction under Section 11(6) of 1996 Act.

5. make appointment of an arbitrator.

6. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

7. Mr. Justice Ramendra Jain, Retired Judge of this Court, residing at #A-143, Sushant Lok (Umeed Marg), Block A, Phase-I, Gurugram-122009, Mobile No.9971288222 is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements. The learned Arbitrator is requested to comply with mandate of Section 12 of 1996 Act before proceeding further.

8. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

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

10. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

11. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.

12. A request letter along with copy of this order be sent to Mr. Justice Ramendra Jain.

(JAGMOHAN BANSAL)
JUDGE

28.11.2024
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No