

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB-158-2021
Date of decision:-02.02.2024

Mrs.Sudha Aggarwal and another
...Petitioners

Versus

M/s Noori Overseas Sales Corporation and another
...Respondents

CORAM : HON’BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Ravinder Chaudhary, Advocate
for the petitioners.

Respondents proceeded exparte vide order dated
09.02.2023.

SUVIR SEHGAL, J.(ORAL)

1. By way of instant petition filed under Section 11 (5) of the Arbitration and Conciliation Act, 1996 (for short “the Act”), petitioner has approached this Court for appointment of an Arbitrator.
2. Notice of the petition was issued to the respondents, who were duly served, but were proceeded against ex-parte by this Court vide order dated 09.02.2023.
3. Counsel for the petitioners has been heard.
4. Counsel for the petitioners submits that petitioners entered into an agreement with the respondents for purchase of agricultural land in village Manshirpur, Tehsil Ramgarh, District Alwar. It was mentioned in the agreement that the land is under litigation and no time limit was fixed for the execution of the sale deed due to pendency of the litigation

before the Court. It was mutually decided between the parties that the date of execution will be fixed after the conclusion of litigation. Petitioners paid an amount of Rs.10 lakh to the respondents vide Annexures P2 and P3. Another agreement, Annexure P4, was entered into between the petitioners and respondents on 06.03.2019 as the company M/s RSPN Reality Group Pvt. Ltd. was being wound up. It was stipulated in the agreement, Annexure P4 that terms and terms settled in the earlier agreement, Annexure P1 will remain the same. Counsel submits that the earlier agreement contained an arbitration clause and provided for reference of the disputes to an Arbitrator named therein. Counsel submits that the litigation concluded with the dismissal of the SLP by the Supreme Court vide order dated 05.11.2019, Annexure P6, and the petitioners issued notices Annexures P7 to P9. He submits that a notice dated 09.12.2019, Annexure P10 was issued invoking the arbitration clause, which has remained unresponded. He submits that the petitioners have also filed an application under Section 9 of the Act, which is pending before the learned Additional District Judge, Gurugram.

5. As the respondents have been proceeded against ex-parte, there is no opposition to the petition, which deserves to be accepted.

6. Accordingly, petition is allowed. Sh.Suresh Kumar Monga, Former Member (Judicial) , r/o # 0901, N-Block, Wellington Heights, TDI City, Sector -117, Mohali, 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

105

parties.

7. Parties are directed to appear before the Arbitrator on 04.03.2024 at 11:00 A.M. at the address mentioned above or at any other place to be fixed by the Arbitrator.

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

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

10. Needless to mention, respondents will be at liberty to raise all the pleas before the Arbitrator.

11. Copy of the order be sent to the appointed arbitrator.

(SUVIR SEHGAL)
JUDGE

02.02.2024

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No