



ARB-253-2023

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

(105)

ARB-253-2023

Date of decision:- 10.05.2024

Vatika Hotels Private Limited

...Petitioner

Versus

M/s Free Mind Works Design LLP

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Varun Goyal, Advocate
for the petitioner.

None for the respondent.

...

SUVIR SEHGAL, J. (Oral)

1. At the outset, counsel for the petitioner submits that statutory provisions have been inadvertantly mentioned in the title of the petition.

On his oral request, title is corrected and shall be read as under:-

“Petition for appointment of arbitrator under section 11 (6) of Arbitration and Conciliation Act, 1996 read with the Scheme for Appointment of Arbitrator by the Chief Justice of Punjab and Haryana High Court, 2003; AND/OR Any other further orders or directions as may be deemed fit by this Hon’ble Court may kindly be passed in favour of the petitioner and against the respondent.”

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2. Necessary correction be carried out.

3. By way of the present petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for short “the Act”), petitioner has approached this Court for appointment of an Arbitrator to resolve the disputes between the parties.

4. Counsel for the petitioner submits that Agreement dated 26.07.2019, Annexure P-1, was entered into between the parties, whereby, commercial premises was leased out to the respondent. He submits that some disputes arose between the parties and the petitioner invoked Clause 36 of the Agreement, Annexure P-1, which contains an arbitral clause, by serving legal notice dated 11.03.2023, Annexure P-4. He asserts that the notice has remained unresponded, although petitioner followed it up with demand notices.

5. Upon notice of the petition issued by this Court, respondent has been duly served. However, there is no representation on its behalf. As such, there is no opposition to the petition.

6. Accordingly, petition is allowed. **Sh. C.B. Jaglian, District & Sessions Judge (Retd.), Flat No. D-503, Alaknanda CGHS, Plot No. GH-45, Sector 56, Gurgaon-122011, Haryana, (9999056150)**, 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



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dispute between the parties.

7. Parties are directed to appear before the Arbitrator on 20.06.2024, at 11:00 A.M., at the address mentioned above or at any other place to be fixed with the consent of the parties.

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 that all the questions arising between the parties in this matter shall remain open for determination in the arbitral proceedings and any observation made hereinabove will not be binding on the learned Arbitrator.

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

(SUVIR SEHGAL)
JUDGE

10.05.2024
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No