

ARB-276-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

244

ARB-276-2023

Date of decision:16.01.2024

M/S PAVING STONE INDIA PVT LTD

... PETITIONER

VS.

MUNICIPAL CORPORATION LUDHIANA AND ANR

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Dheeraj Mahajan, Advocate for the petitioner.

Mr. Aman Bansal, Advocate for the respondents.

SUVIR SEHGAL J. (ORAL)

1. By way of instant 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 adjudicate the disputes between the parties.

2. A reply has been filed on behalf of the respondents, which is taken on record. Perusal of the reply filed by the respondents shows that they have neither disputed the arbitration agreement nor the arbitration clause. Even the legal notice served by the petitioner invoking the arbitration clause has been admitted, although the stand of the respondents is that they have responded to the notice, but this has been concealed by the petitioner. Still further, it is their stand that entire payment has been paid.

3. Be that as it may, since a dispute has arisen between the parties, the prayer made in the petition deserves to be accepted.
4. Accordingly, petition is allowed. Sh. R.L. Ahuja, Additional District and Sessions Judge (Retd.), #4-A, Palam Vihar, Pakhowal Road, V. Daad, Ludhiana, Mobile No.9888353526, 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 Arbitrator on 06.03.2024 at 11:00 A.M. at the address mentioned above or on any other day, time or place intimated by the learned Arbitrator.
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. It is clarified that the reference shall be subject to the petitioner's complying with all the requirements of the agreement.
9. Copy of the order be sent to the learned arbitrator.

16.01.2024
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(SUVIR SEHGAL)
JUDGE

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