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

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Date of Decision: 12.08.2024

Oyo Apartments Investments LLP

...Applicant

Versus

Kanhaiya Lal Sharma and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Prateek Gupta, Advocate for the applicant

Mr. Govind Narayan, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.
2. The parties entered into lease deed dated 18.06.2019 (Annexure A-1). There is an arbitration clause in the aforesaid deed. The execution of lease deed, arbitration clause in the lease deed and service of notice under Section 21 of 1996 Act is not disputed.
3. Mr. Govind Narayan, Advocate submits that respondent on the earlier occasion had appointed an Arbitrator.

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4. Mr. Prateek Gupta, Advocate submits that this Court may appoint an independent Arbitrator ignoring the Arbitrator already appointed by the respondent.

5. Mr. Govind Narayan, Advocate submits that he leaves it to the Court to make the 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. Ved Pal Gupta, Additional District & Sessions Judge, Retd., residing at Flat No.1002, Plot No.2, Raj Vilas Society, Sector 52 (opposite Tau Devi Lal Botanical Garden), Gurugram, Mobile No.8930333666 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 Act.



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11. Needless to mention, parties will 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. Ved Pal Gupta, Additional District & Sessions Judge, Retd.

(JAGMOHAN BANSAL)
JUDGE

12.08.2024*Mohit Kumar*

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