



ARB-228-2020 (O&M) & Connected Cases

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

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**ARB-228-2020 (O&M)
Date of Decision: 14.08.2024**

M/s ABW Suncity

...Applicant

Versus

Renuka Jain

...Respondent

With

ARB-230-2020 (O&M)

M/s ABW Suncity

...Applicant

Versus

Amrita Chhabra and another

...Respondents

With

ARB-233-2020 (O&M)

M/s ABW Suncity

...Applicant

Versus

Hema Sinha

...Respondent

With

ARB-203-2020 (O&M)

M/s ABW Suncity

...Applicant

Versus

Ramesh Jain and others

...Respondents



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With

ARB-108-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Satish Kumar Mangla

...Respondent

With

ARB-111-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Satinder Nath Girotra and others

...Respondents

With

ARB-113-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Monika Chopra and others

...Respondents

With

ARB-116-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Ashish Khosla and another

...Respondents



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With

ARB-117-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Sita Ram Prasai

...Respondents

With

ARB-119-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Fortune Metals Limited

...Respondents

With

ARB-120-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

M/s Anand Chemicals and Rubber Private Limited

...Respondent

With

ARB-122-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Praveen Kumar Grover

...Respondent



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With

ARB-123-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Sanjay Aggarwal and others

...Respondents

With

ARB-124-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Nidhi Sood

...Respondent

With

ARB-125-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Aman Dhingra and others

...Respondents

With

ARB-126-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Ajai Puri and another

...Respondents



ARB-228-2020 (O&M) & Connected Cases

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With

ARB-127-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Sudhir Kumar

...Respondent

With

ARB-130-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Dinesh Arora and another

...Respondents

With

ARB-133-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Prakash Chand Agarwal

...Respondent

With

ARB-140-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Komal Agarwal

...Respondent



ARB-228-2020 (O&M) & Connected Cases

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With

ARB-143-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Rahul Juneja and another

...Respondents

With

ARB-146-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Surinder Kumar Sama and another

...Respondents

And

ARB-149-2021 (O&M)

M/s ABW Suncity

...Applicant

Versus

Varinder Dhesi

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Gaurav Chopra, Senior Advocate with
Mr. Himanshu Gupta, Advocate and
Mr. Vardaan Seth, Advocate for the applicant

Mr. Ishwar Sethi, Advocate for
Mr. K.K. Kohli, Advocate for respondents

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the above captioned applications, with the consent of all the parties, the captioned applications are

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hereby disposed of by this common order. The facts for the sake of brevity and convenience are borrowed from *ARB-228-2020*.

2. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of a sole Arbitrator.

3. The parties entered into agreement dated 24.02.2010 (Annexure P-2). There is an arbitration clause in the aforesaid agreement. The execution of agreement, arbitration clause in the agreement and service of notice under Section 21 of 1996 Act is not disputed.

4. Learned counsel for the respondent, at the outset, submits that he has no instructions from his client, thus, he leaves to this Court to pass an appropriate order.

5. The instant applications are pending before this Court since 2020. The Supreme Court vide order dated 19.05.2022 passed in ***SLP (Civil) No.5306 of 2022*** has passed directions to dispose of all pending applications under Section 11(5) and 11(6) of 1996 Act or/any other applications either for substitution of arbitrator and/or change of arbitrator, which are pending for more than one year from the date of filing, within six months from 19.05.2022.

6. The applicant is a builder who had constructed a housing society. There are several buyers of the applicant. With respect to payment of VAT at a later stage, the applicant has raised dispute with his buyers. A Coordinate Bench of this Court vide order dated 12.05.2021 passed in ***RA-CR-25-2021 in***



ARB-52-2021, M/s ABW Suncity v. Tarun Malik and others has appointed a sole Arbitrator to resolve the issue between the applicant and different buyers. The said order was challenged before Supreme Court by way of *SLP No.11522 of 2021, Vikas Laroia and another v. M/s ABW Suncity*. The SLP stands dismissed vide order dated 13.08.2021 passed by Supreme Court.

7. 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.

8. Mr. S.C. Goyal, District & Sessions Judge (Retd.), residing at Flat No.204, Tower 2, Malibu Town, Sector 47, Sohna Road, Gurugram Mobile No.9813204570 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.

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

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

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



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12. 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.

13. A request letter along with copy of this order be sent to Mr. S.C. Goyal, District & Sessions Judge (Retd.).

(JAGMOHAN BANSAL)
JUDGE

14.08.2024

Mohit Kumar

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