

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103

ARB-363-2022

Date of Decision:04.01.2024

M/S SAWHNEY TEXTILES PVT. LTD.

...PETITIONER

VERSUS

M/S DLF SOUTH POINT

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Arjun Sharma, Advocate for the petitioner.

Mr. Rajeev Anand, Advocate for the respondent.

SUVIR SEHGAL, J.(ORAL)

1. This is a petition under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for short - “the Act”) for appointment of an arbitrator for adjudication of disputes between the parties.

2. It has been conceded at the bar by the counsel representing the parties that a similar dispute already stands referred to arbitration by virtue of order dated 09.11.2022 passed by a Co-ordinate Bench of this Court in Arbitration No.160 and 161 of 2021 titled as **Rohit Sawhney Versus M/s DLF Power and Services Ltd.**. Counsel for the petitioner could not dispute that pursuant to the said order, petitioner is appearing before the learned Arbitrator, who is conducting proceedings at Chandigarh, despite the fact that the location of the arbitration in the arbitration clause, has been mentioned as New Delhi.

3. Accordingly, Sh. Inderjeet Mehta, Distt. & Sessions Judge, (Retd.) # 112, Sector 24, Chandigarh, who has already been appointed by this Court, is appointed as sole Arbitrator in the present matter, subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to settle the dispute between the parties.
4. Parties are directed to appear before the Arbitrator on any day and time as is convenient to the Arbitrator at the venue to be fixed with the consent of the parties.
5. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.
6. The arbitrator is requested to complete the proceedings as per time limit specified under Section 29A of the Act.
7. It is clarified that the reference shall be subject to the petitioner's complying with all the requirements of the agreement.
8. Petition is disposed of.
9. Copy of the order be sent to the appointed arbitrator.

04.01.2024
sheetal

(SUVIR SEHGAL)
JUDGE

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