

ARB-439-2024 & connected cases -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

265+264+266+267 (4 cases)	ARB-439-2024 Date of Decision: 17.12.2024
Mandeep Singh Rekhi	...Applicant
Versus	
M/s DLF Universal Limited and another	...Respondents
With	
	ARB-436-2024
Mandeep Singh Rekhi	...Applicant
Versus	
M/s DLF Universal Limited and another	...Respondents
With	
	ARB-444-2024
Mandeep Singh Rekhi	...Applicant
Versus	
M/s DLF Universal Limited and another	...Respondents
And	
	ARB-445-2024
Mandeep Singh Rekhi	...Applicant
Versus	
M/s DLF Universal Limited and another	...Respondents

**ARB-439-2024 & connected cases -2-****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Kabir Sarin, Advocate and
Mr. R.D. Gupta, Advocate for the applicant
Mr. Rajeev Anand, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in all the captioned applications, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *ARB-439-2024*.

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 an Arbitrator.

3. The respondent is engaged in the business of construction of residential and commercial premises. The applicant entered into four Plot Buyer's Agreements with the respondent. A dispute erupted between the parties with respect to payment and possession of the plot. The applicant filed four Arbitration Case Nos.229-232 of 2015 before this Court. On account of compromise between the parties, by common order dated 02.02.2016 all the petitions were disposed of. The said order was modified vide order dated 17.02.2017 and the applicant was granted time to make payment till 31.01.2018.

4. Pursuant to compromise and order dated 02.02.2016 of this Court, the applicant made payment of ₹20 Lakhs by 08.03.2016 and of ₹2.62 Crores by 31.01.2018. A dispute erupted between the parties with respect to interest and other charges. The applicant is claiming that despite repeated

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requests, the respondent did not supply bifurcation of principal and interest thereon which was necessary on account of matrimonial dispute between the applicant and his wife at California (USA). The respondent is claiming that the applicant did not comply with orders of this Court read with compromise arrived at between the parties, thus, the applicant is liable to pay interest along with other charges.

5. The applicant has already made payment of huge amount to the respondent. The question of interest and other charges cannot be adjudicated by this Court. There is need to resolve the issue and as per agreement executed between the parties, there is arbitration clause.

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. Justice Mahesh Grover, Former Judge of this Court, residing at House No.569, Sector 18, Chandigarh, Mobile No.9780008119 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

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11. 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.
12. A request letter along with copy of this order be sent to Mr. Justice Mahesh Grover.

(JAGMOHAN BANSAL)
JUDGE

17.12.2024
Mohit Kumar

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