

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(112)

ARB-398-2023

Date of decision:- 01.02.2024

Harsh

... Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Naveen Batra, Advocate for the petitioner.

Mr. Pankaj Gupta, Senior Panel Counsel
for the respondent No.1-UOI.

Ms. Aakanksha Sawhney, Additional Standing Counsel
for respondent No.2.

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 dispute between the parties.
2. Notice of the petition was issued on 15.09.2023. Although, response has not been filed, but factual position has not been disputed.
3. Petitioner successfully participated in an E-tender process and a shop in the premises of GMCH-32-respondent No.2 was let out to him under licence deed dated 22.01.2020, Annexure P-1, for a period of five years. Due to outbreak of corona virus in March, 2020, the shop remained closed and a dispute arose between the parties over non-payment of licence fee, etc. Petitioner served notice dated 11.07.2023, Annexure P-3, invoking the arbitration clause and in its response, respondent No.2 stated that the Secretary, Medical Education and Research, Chandigarh Administration, is the named Arbitrator in the licence deed, who has to adjudicate the dispute.

4. Counsel for the parties have been heard.
5. The objection of respondent No.2 deserves to be rejected in view of the judgment of the Supreme Court in *Perkins Eastman Architects DPC & another Versus HSCC (India) Ltd., 2020 (20) SCC 760*. As the license deed, Arbitration Clause and notice, Annexure P-2, invoking the Arbitration Clause are admitted, the prayer made in the petition deserves to be accepted.
6. Accordingly, petition is allowed. Sh. Suresh Kumar Monga, Former Member (Judicial), CAT, #0901, N-Block, Wellington Heights, TDI City, Sector 117, Mohali 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.
7. Parties are directed to appear before the Arbitrator on 06.03.2024 at 11:00 A.M. at the address mentioned above or at any other place to be fixed with the consent of the parties.
8. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.
9. The arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the Act.
10. Copy of the order be sent to the appointed arbitrator.

01.02.2024

(SUVIR SEHGAL)

Kamal

JUDGE

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