

Neutral Citation No. **2024:PHHC: 060137**

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

269

ARB-445-2023 (O&M)
Date of Decision: 01.05.2024

Sashi Bhushan Shori and another

..... Petitioners

Vs

M/s Paras Buildtech Pvt. Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sanjeev Kumar, Advocate and
Mr. Arastu Chopra, Advocate for the petitioners.

Mr. Jagdeep Singh Rana, Advocate for the respondent.

SUVIR SEHGAL, J. (ORAL)

1. By way of present 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 sole Arbitrator to adjudicate the dispute between the parties arising out of the Builder-Buyer agreement dated 29.05.2007, Annexure A-3.

2. Counsel for the petitioner submits that although the petitioner has made entire payment for the commercial premises purchased from the respondent, but the allotment was cancelled. He submits that the premises was leased out and entire lease money has been pocketed by the respondent. He submits that a dispute arose between the parties and was referred to an Arbitrator who passed

award dated 07.04.2016, Annexure A-6, but on an objection petition filed by the respondent, award was set aside by the Court of Additional District Judge, Gurgaon by judgment dated 31.05.2022, Annexure A-2, granting leave to the parties to apply for fresh arbitration. He submits that petitioner approached this Court by filing a petition (ARB-424-2022) for appointment of an Arbitrator, but it was withdrawn on 01.09.2023, Annexure A-8 with liberty to file afresh. He submits that in the meantime, petitioner served a notice dated 10.08.2023, Annexure A-7 invoking the arbitration clause to which the respondents have not submitted any reply.

3. Written statement has been filed on behalf of the respondent, opposing the petition wherein it has been submitted that the claim is time barred.

4. I have heard counsel for the parties and considered their respective submissions.

5. Concededly, the dispute was referred to an Arbitrator, who had passed an award, although it was set aside. The respondent, therefore, cannot oppose the appointment of an Arbitrator. As to whether the claim is barred by time, would be a matter which would be gone into by the Arbitrator.

6. Accordingly, petition is allowed.

7. Hon'ble Mr. Justice (Retd.) Adarsh Kumar Goel, former Judge of the Supreme Court, C-2/24, Safdarjung Development Area, New Delhi -110016, Mobile No. 9910213040, is requested to act as the Arbitrator to adjudicate the dispute between the parties subject to

compliance of the statutory requirements.

8. Parties are directed to appear before the Arbitrator on the day, time and place to be fixed and communicated by the Arbitrator at his convenience.

9. Needless to mention that all the questions arising between the parties in this matter will remain open for determination in the arbitration proceedings and any observation made hereinabove will not be binding on the learned Arbitrator.

10. A request letter be sent to Hon’ble Mr. Justice (Retd.) Adarsh Kumar Goel along with a copy of this order.

11. Pending miscellaneous application(s), if any, shall stand disposed of.

01.05.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

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