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

**ARB-136-2024 (O&M)
Date of Decision: 18.08.2025**

M/s Dhanu Real Estate Pvt. Ltd.

..... Petitioner

Versus

Satwant Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Nikhil Kumar Vashisht, Advocate
for the respondent.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 (herein after referred to as 'the Act') praying for appointment of an Arbitrator to adjudicate the disputes and differences which have arisen between the parties.

2. Learned counsel appearing on behalf of the petitioner submitted that in the present case vide Annexure A-1, an agreement to sell was executed between the petitioner and the respondents on 01.12.2021 with regard to the sale of some land in which there was an Arbitration Clause i.e. Clause 18 which is pertaining to the reference of dispute to the Arbitrator under the provisions of Arbitration and Conciliation Act, 1996 and for the nomination of Sole Arbitrator appointed by the second party i.e. the purchaser who is the present petitioner. He further submitted that in pursuance of the aforesaid clause, notice under Section 21 of the Act was



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issued on 25.01.2023 vide Annexure A-7 by raising a dispute and with the proposal of nomination of an Arbitrator, who is a retired District and Sessions Judge. In reply to the aforesaid notice, the respondents have filed reply vide Annexure A-8 wherein they have not accepted the aforesaid appointment of the Sole Arbitrator and therefore, the present petition has been filed under Section 11(5) for appointment of a Sole Arbitrator.

3. Mr. Nikhil Kumar Vashisht, learned counsel for the respondents submitted that with regard to the agreement (Annexure A-1) and the existence of the Arbitration Clause, there is no dispute with regard to the same and it is an admitted position. He however submitted that there is another clause i.e. Clause 9 of the aforesaid agreement (Annexure A-1) wherein a provision has been made that in case the parties failed to get the sale deed executed then a suit for specific performance can be filed. He further submitted that since the dispute certainly has arisen, he has instructions to state that the respondents have no objection in case any retired Judge of this Court is appointed as Sole Arbitrator which will meet the ends of justice.

4. In view of the above, the present petition is allowed. Mr. Justice (Retd.) Darshan Singh, a former Judge of this Court, resident of House No.56, Sector 16-A, Chandigarh, Mobile No.08558809940 singhdarshan191@gmail.com, is nominated as the Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory provisions including Section 12 of the Act.

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



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6. Learned Arbitrator is also requested to complete the proceedings as per the time limit prescribed under Section 29-A of the Arbitration Act.

7. A request letter alongwith a copy of the order be sent to Mr. Justice (Retd.) Darshan Singh, a former Judge of this Court.

18.08.2025

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**(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |