HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Arbitration Application No. 133/2024
CNR: RJHC020969732024 | URN: ARBAP / 191U / 2024

1. Sangeeta Nowal W/o Shri Rajkumar Nowal, Aged About 51 Years, R/o House No. A-38, Shastri Nagar, Jaipur Rajasthan, At Present 16/08 D-310, Civil Lines, Kanpur (Up)
2. Sarita Nowal W/o Shri Sanjay Kumar Nowal, Aged About 50 Years, R/o House No. A-38, Shastri Nagar, Jaipur Rajasthan, At Present 16/08 D-409, Civil Lines, Kanpur (Up)

----Petitioners

Versus

M/s Sng Real Estate Pvt. Ltd., Through Satyanarayan Gupta, Director, M/s Sng Real Estate Pvt. Ltd. R/o 707, Paris Point, Collectorate Circle, Bani Park, Jaipur, Rajasthan 302016

----Respondent

For Petitioner(s)	:	Mr. Naman Maheshwari
For Respondent(s)	:	Mr. Naresh Kumar Sejvani

HON'BLE THE CHIEF JUSTICE MR. SANJAY K. AGRAWAL

Order

23/11/2026

1. The applicants-petitioners have preferred this arbitration application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short ‘the Act of 1996’) for appointment of the Arbitrator.

2. Heard learned counsel for the parties and perused the material available on record.

3. Clause 16 of the Development Agreement provides for the resolution of dispute by way of Arbitration under the provisions of the Act of 1996 which states as under:

''16. यह कि यदि पक्षकारों के मध्य इस अनुबन्ध की शर्तों के सम्बन्ध में किसी प्रकार का कोई विवाद उत्पन्न होने पर उसका निस्तारण प्रचलित मध्यस्थता कानून के तहत पंच श्री आर.के.डागा, एडवोकेट एवं मोहनलाल जी गुप्ता द्वारा निर्णय किया जावेगा, जोकि दोनो पक्षों को मान्य होगा, जिसका क्षेत्राधिकार केवल मात्र जयपुर होगा।''

4. The notice has been served to the non-applicant on 14.09.2024.

5. Learned counsel for the applicants submits that the Arbitrator be appointed as there is an arbitration clause and notice has also been served.

6. Learned counsel for the non-applicant submits that the dispute is not arbitrable.

7. The arbitrability of the dispute, if any, be raised before the Arbitrator and accordingly, this Court appoints Hon'ble Mr. Justice Banwari Lal Sharma (Retd.), R/o Plot No.49 & 50, Theme Colony, 4-D Campus, 80Ft Road No.1 Murlipura Jaipur-302039, to act as the Sole Arbitrator to decide all issues without prejudice to the rights and contentions raised in the present application. Non-applicants will be at liberty to raise all the objections before the Arbitrator.

8. The arbitration fees shall be determined in accordance with the Fourth Schedule of the Act of 1996, as amended. The fee of the Arbitrator will be equally borne by both the parties.

9. The arbitration application is allowed accordingly.

10. Copy of this order be sent to the appointed Sole Arbitrator.

(SANJAY K. AGRAWAL),CJ

S-A/21/NAVAL KISHORE/RAHUL