

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

ARB No. 411 of 2021
Date of decision: 05.10.2021

210

NBY Construction Pvt. Ltd.

....Petitioner(s)

Versus

Municipal Corporation and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Deepak Singh Saini, Advocate,
for the applicant.

Mr. Deepak Balyan, Advocate,
for the respondents.

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S.SANDHAWALIA, J. (Oral)

The applicant seeks appointment of Arbitrator in a petition filed under Section 11 (6, 7 and 8) of the Arbitration and Conciliation Act, 1996 (in short 'the Act'). The terms of arbitration are contained in the agreement dated 20.08.2019, now placed on record as Annexure P-6.

Counsel for the respondents submits that he has no such objection if an independent Arbitrator is appointed.

It is not disputed that legal notice dated 28.12.2020 was also served upon the respondents (Annexure P-4) proposing three different Arbitrators. Mr. Balyan submits that he has no objection if any independent person, as such, is appointed as Arbitrator including the one who is proposed.

Keeping in view the above fact and since the dispute pertains to the construction of a Indoor Badminton Court at Gurugram, it would be

appropriate that Sh. R.K. Sharma, District & Sessions Judge (Retd.), H.No. 1716, Phase-IV, DLF, Gurugram (M.No. 9876547755) is appointed as an Arbitrator. He shall file the requisite declaration under Section 12 of the Act read with the fifth and sixth schedule in order to disclose his independence and impartiality to settle the dispute between the parties. The Arbitrator is also requested to complete the proceedings within the time specified under Section 29A of the Act. The fees of the Arbitrator shall be paid in accordance with the provisions of the Act and the Rules.

Copy of the order be forwarded to Sh. R.K. Sharma, District & Sessions Judge (Retd.) at the given address and to counsel for the parties also. After seeking the consent of the Arbitrator, the parties are directed to appear before the Arbitrator on 08.11.2021 at 10.00 a.m.

Disposed of.

05.10.2021
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No