



ARB-466-2023 & Connected Cases

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

281 (8 Cases)

ARB-466-2023

Date of Decision: 04.09.2024

Pioneer Facility Management Limited

...Applicant

Versus

Rakesh Dabas and another

...Respondents

With

ARB-99-2024

Pioneer Facility Management Limited

...Applicant

Versus

Vivek Singh and another

...Respondents

With

ARB-102-2024

Pioneer Facility Management Limited

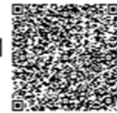
...Applicant

Versus

Subhash Chandra Arya and another

...Respondents

With



ARB-466-2023 & Connected Cases

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ARB-104-2024

Pioneer Facility Management Limited

...Applicant

Versus

Rajeev Gupta and another

...Respondents

With

ARB-105-2024

Pioneer Facility Management Limited

...Applicant

Versus

Ravi Kiran Kapoor and another

...Respondents

With

ARB-106-2024

Pioneer Facility Management Limited

...Applicant

Versus

Sudhir Kumar Gupta and another

...Respondents

With

ARB-281-2024

Pioneer Facility Management Limited

...Applicant

Versus

Harjit Singh Dhatt and another

...Respondents



ARB-466-2023 & Connected Cases

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And

ARB-282-2024

Pioneer Facility Management Limited

...Applicant

Versus

Vikas Almadi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Rajat Khanna, Advocate
Mr. Vijay Pratap Singh, Advocate and
Mr. Vishal Saini, Advocate for the applicant

Ms. Amarjot Kaur, Advocate
for Mr. Harkaran Singh, Advocate for respondents

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the above captioned applications, the captioned applications are hereby disposed of by this common order. The facts for the sake of brevity and convenience are borrowed from *ARB-466-2023*.

2. Ms. Amarjot Kaur, Advocate appearing on behalf of Mr. Harkaran Singh, Advocate submits that they have no instructions from their client, thus, they want to withdraw Memorandum of Appearance.

3. The prayer, as made by Ms. Amarjot Kaur, Advocate is allowed.

4. The record reveals that Mr. Gurmandeep Singh Sullar, Advocate appeared on 04.03.2024 and sought time to file response. He did not appear thereafter. On 26.04.2024, Mr. Harkaran Singh, Advocate appeared and



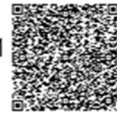
sought time to file the response. There was no representation of the respondents on 27.08.2024, however, the matter was adjourned. Today, there is request to withdraw the Memorandum of Appearance.

5. Conduct of respondents shows that they despite knowing pendency of present applications are avoiding appearance. The matter is pending before this Court since 2023 and it cannot be kept pending for indefinite period especially when the prayer in the application is confined to appointment of an Arbitrator who ultimately would adjudicate rights and liabilities of the parties.

6. The parties entered into Facility Maintenance Services Agreement dated 07.09.2018 (Annexure P-1). There is an arbitration clause in the aforesaid agreement. The applicant, in terms of Section 21 of 1996 Act, served notice dated 28.07.2023 (Annexure P-7) upon the respondents. The respondent did not act upon the said notice within the prescribed period.

7. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

8. Mr. Arun Kumar Singal, District & Sessions Judge (Retd.), residing at #A-61, Second Floor, Palladians, Near Baani Square, Sector 47, Gurugram, Haryana, Mobile No.9991743666 is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance



of statutory requirements. The learned Arbitrator is requested to comply with mandate of Section 12 of 1996 Act before proceeding further.

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

10. The Arbitrator is entitled to fee in accordance with the Fourth Schedule of the Act, as amended, however, he, in view of large number of respondents, is requested to take care of quantum of fee to be charged from the respondents.

11. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the Act.

12. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.

13. A request letter along with copy of this order be sent to Mr. Arun Kumar Singal.

(JAGMOHAN BANSAL)
JUDGE

04.09.2024
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No