

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

**Arbitration Case No. 521 of 2021(O&M)
Date of decision: 17th January, 2023**

M/s D.P.Education Society

Petitioner

Versus

RITE Computer Education

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sanjeev Kaushik, Advocate for the petitioner.
Mr. Tushar Gautam, Advocate for the respondent.

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') for appointment of an arbitrator for adjudication of disputes between the parties.

The parties entered an agreement dated 20.2.2019 for providing Skill training to youth of the country to work under skill development scheme.

Clause 3 of the general terms and conditions of agreement provides for dispute resolution through arbitration.

There was a dispute between the parties. The petitioner gave notice dated 9.6.2021 for appointment of arbitrator. On failure to do the needful, the present petition was filed.

Learned counsel for the respondent submits that there are other litigations pending *inter-se* the parties. He seeks permission to raise before the arbitrator at appropriate stage, the issues with regard to maintainability of arbitration proceedings in view of registration of FIR.

Learned counsel for the parties agree that there is no dispute that as per the agreement, the arbitration proceedings are to be held at

Palwal. They also agree to the appointment of Mr. K. C. Sharma, District & Sessions Judge (Retd.) as arbitrator.

The petition is accordingly disposed of by appointing Mr. K. C. Sharma, District & Sessions Judge (Retd.), BB-2, VILLA-3, Ground Floor, VIP Floors, Sector 81, Faridabad as the sole arbitrator subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to settle the dispute between the parties.

The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended. The fee of the arbitrator will be equally borne by both the parties.

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

It is clarified that the reference shall be subject to the petitioner's complying with all the requirements of the agreement including the condition of pre-deposit.

Copy of the order be sent to the appointed arbitrator.

**[AVNEESH JHINGAN]
JUDGE**

17th January, 2023

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