

Arb.Case No. 290 of 2022 and connected case [1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 25th April, 2023

(1) Arbitration Case No. 290 of 2022 (O&M)

Arush Jain

Petitioner

Versus

M/s Genesis Engineering Company and others

Respondents

(2) Arbitration Case No. 297 of 2022 (O&M)

Arush Jain

Petitioner

Versus

Major Singh and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Atul Gaur, Advocate for the petitioner(s).
Mr. Gurcharan Dass, Advocate for the respondents.

AVNEESH JHINGAN, J (Oral):

1. This order shall dispose of the above mentioned two petitions as the issues and facts are common.
2. The facts of Arbitration Case No. 290 2022 are considered.
3. 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.
4. A joint venture was entered into between the parties. Clause

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

5. There was a dispute between the parties.

6. The petitioner served notice dated 11.4.2022. On failure of the respondent to do the needful, the present petition was filed.

7. Learned counsel for the respondent submits that as the petitioner failed to make the payment as per the agreement, subsequent agreement was also entered and there are proceedings pending under Section 138 of the Negotiable Instruments Act, 1881.

8. Learned counsel for the parties agree that Mr. R. D. Chhabra, Advocate be appointed as sole arbitrator.

9. Accordingly, the present petitions are disposed of by appointing Mr. R. D. Chhabra, Advocate, H. No. B-XIX/909/1A, Tagore Nagar, opposite Arya College, Civil Lines, Ludhiana as the sole arbitrator. The arbitrator is appointed 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.

10. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

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

12. 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.

13. Copy of the order be sent to the appointed arbitrator.

14. Photocopy of the order be placed on the file of connected case.

**[AVNEESH JHINGAN]
JUDGE**

25th April, 2023

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