

**215-d IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

ARB No.156 of 2020 (O&M)

Date of decision : November 18, 2020

Yatra Online Private Limited Petitioner

Versus

Mr. Naveen Kolhi and another Respondents

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Amitabh Tewari, Mr. Azeem Samuel and
Mr. Vivek Paul, Advocates for the petitioner.

Ms. Nishi Chaudhary and Ms. Priya Choubey, Advocates
for the respondents.

RAJBIR SEHRAWAT, J. (ORAL)

The present application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short 'the Act'), for appointment of an Arbitrator.

The dispute involved in the case relates to a property taken on lease by the petitioner from the respondents. The said lease is the subject matter of a registered lease deed dated 28.10.2015. Admittedly, as per Clause 14.7 of the said lease deed, any dispute arising in relation to the lease is required to be resolved through negotiations in the first instance. But if no agreed settlement is arrived at; then the matter is required to be referred to the arbitration; to be held at Gurugram.

Disputes having arisen between the parties, through notice dated 20.12.2019 (Annexure P-6), the applicant invoked the arbitration clause and requested the respondent to appoint an Arbitrator.

It has been pointed out by the learned counsel for the parties that the parties had explored the possibility of agreeing upon the name of Arbitrator. However, they have failed to agree upon a particular name. Hence, it is prayed that any retired Judge of the High Court be appointed as an Arbitrator.

After hearing learned counsel for the parties, Justice Rameshwar Singh Malik, a former Judge of this Court, is appointed as the Sole Arbitrator.

However, such appointment would be subject to the declaration to be made by Justice Rameshwar Singh Malik (Retd.), under Section 12 of the Act; with regard to his independence and impartiality to settle the disputes between the parties.

The Arbitrator is requested to complete the proceedings within the time limit specified under Section 29A of the Act.

The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.

For the sake of the convenience of the parties, as also of the Arbitrator, the venue of the Arbitration shall be at Delhi Arbitration Centre, Delhi or at any other place convenient to all concerned.

A copy of the order be forwarded to Justice Rameshwar Singh Malik (Retd.) at the given address :

B-13, Mayfair Gardens, August Kranti Marg,
Hauz Khas, New Delhi-110016
(near Embassy of Medagaskar)
M. No. 9417372202.
Email & rameshwarsinghmalik@gmail.com

After seeking the convenience of the Arbitrator, the parties are directed to appear before him within one month.

The matter is disposed of in the above terms.

(RAJBIR SEHRAWAT)
JUDGE

November 18, 2020

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Whether speaking / reasoned Yes

Whether Reportable: No