

Arbitration Case No. 457 of 2021(O&M)

[1]

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

**Arbitration Case No. 457 of 2021(O&M)
Date of decision: 17th January, 2023**

M/s Atul Cars

Petitioner

Versus

Honda Motorcycles & Scooters India Pvt. Ltd.

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Amrita Garg, Advocate for the petitioner.
Mr. Dushyant Rana, 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 petitioner entered into dealership agreement with the respondent on 24.12.20212.

There was a dispute between the parties.

Clause 29 of the terms and conditions provides for dispute resolution through arbitration with seat at Gurgaon.

The petitioner gave legal notice dated 3.10.2017 which was replied on 12.10.2017. The petitioner gave notice under Section 21 of the Act. On failure to do the needful, the present petition was filed.

Learned counsel for the parties are not disputing the clause of arbitration and that there is a dispute.

The petition is accordingly disposed of by appointing Mr. Arun Kumar Singal, District & Sessions Judge (Retd.), A-61, Second Floor, Pallandians, Near Baani Square, Sector 47, Gurugram 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 |