

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 218, 219 and 228

ARB-332-2019

Date of decision : 19.02.2020

Brahm Prakash and others

..... Applicants

VERSUS

M/s Hartej Estates Pvt. Ltd.

..... Respondent

2.

ARB-333-2019 (O&M)

Brahm Prakash and others

..... Applicants

VERSUS

M/s Tom Tom Builders Pvt. Ltd.

..... Respondent

3.

ARB-2-2020

Brahm Prakash and others

..... Applicants

VERSUS

M/s Tom Tom Builders Pvt. Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Gaurav Puri, Advocate,
Mr.Sahil Abhi, Advocate, and
Mr.Sarthak Gupta, Advocate, for the applicant(s).

Mr.Shekhar Verma, Advocate, for the respondent(s).

DEEPAK SIBAL, J. (ORAL)

The present order shall dispose of three applications being ARB-332-2019, ARB-333-2019 and ARB-2-2020.

The present applications have been filed under Section 15 read with Sections 14 and 11 of the Arbitration and Conciliation Act, 1996 (for short, the Act) for appointment of a substitute Arbitrator.

Through order dated 21.02.2014, to adjudicate upon the disputes

between the parties this Court appointed Justice S.K.Mahajan, a former Judge of the Delhi High Court as the sole Arbitrator. On the demise of Justice Mahajan the present applications have been filed seeking substitution of the appointed Arbitrator.

After hearing learned counsel for the parties, in all the applications Justice Swatanter Kumar, a former Judge of the Supreme Court is appointed as the sole Arbitrator in place of Justice S.K.Mahajan. However, such appointment would be subject to the declaration to be made by Justice Swatanter Kumar under Section 12 of the Act with regard to his independence and impartiality to settle the dispute 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.

As per agreement expressed by learned counsel for the parties, for the sake of convenience of the parties the venue of the arbitration shall be at Delhi.

A copy of the this order be forwarded to Justice Swatanter Kumar (Retd.) at the given address:-

Res: C-3/5, First Floor,
Safdarjung Development Area,
South Delhi-110016
(Mob. No. 95604-13636)

After seeking the convenience of the Arbitrator, the parties are directed to appear before the Arbitrator on 28.02.2020 or on any other date suitable to all concerned.

All the three applications being ARB-332-2019, ARB-333-2019 and ARB-2-2020 are disposed of in the above terms.

19.02.2020

shamsher

[DEEPAK SIBAL]

JUDGE

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