

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 223 (10 cases)

ARB-330-2018 (O&M)

Date of decision : 10.02.2020

M.K.Jain and another ..... Applicants

VERSUS

M/s Pioneer Urban Land and Infrastructure Ltd. .... Respondent

2. ARB-331-2018 (O&M)

M.K.Jain and another ..... Applicants

VERSUS

M/s Pioneer Urban Land and Infrastructure Ltd. .... Respondent

3. ARB-332-2018 (O&M)

M.K.Jain and another ..... Applicants

VERSUS

M/s Pioneer Urban Land and Infrastructure Ltd. .... Respondent

4. ARB-333-2018 (O&M)

M.K.Jain and another ..... Applicants

VERSUS

M/s Pioneer Urban Land and Infrastructure Ltd. .... Respondent

5. ARB-334-2018 (O&M)

M.K.Jain and another ..... Applicants

VERSUS

M/s Pioneer Urban Land and Infrastructure Ltd. .... Respondent

6. ARB-335-2018 (O&M)

M.K.Jain and another ..... Applicants

VERSUS

M/s Pioneer Urban Land and Infrastructure Ltd. .... Respondent

7. ARB-336-2018 (O&M)

M.K.Jain and another ..... Applicants

VERSUS

M/s Pioneer Urban Land  
and Infrastructure Ltd. .... Respondent

8. ARB-337-2018 (O&M)

M.K.Jain and another ..... Applicants

VERSUS

M/s Pioneer Urban Land  
and Infrastructure Ltd. .... Respondent

9. ARB-338-2018 (O&M)

M.K.Jain and another ..... Applicants

VERSUS

M/s Pioneer Urban Land  
and Infrastructure Ltd. .... Respondent

10. ARB-339-2018 (O&M)

M.K.Jain and another ..... Applicants

VERSUS

M/s Pioneer Urban Land  
and Infrastructure Ltd. .... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Tushar Sharma, Advocate, for the applicants.

Mr.Rajat Khanna, Advocate, for the respondent.

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DEEPAK SIBAL, J. (ORAL)

A bunch of ten applications being ARB-330-2018 to ARB-339-2018 “*M.K.Jain and another vs M/s Pioneer Urban Land and Infrastructure Ltd.*” between the same parties and wherein the nature of disputes are similar as also where the terms of agreement between them are also the same, are being disposed of through the present order. For the sake of convenience,

facts are being taken from ARB-330-2018.

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

Admittedly, the parties entered into an agreement dated 06.05.2011 through which the applicant purchased certain commercial property from the respondent and that clause 38 of such agreement provided that the disputes between the parties which may arise out of such agreement were to be settled through the mode of arbitration.

Disputes having arisen between the parties, correspondence was exchanged between the parties with regard to making of claims by the applicant and denying thereof by the respondent. Both parties had also proposed their own Arbitrators which were not acceptable to either occasioning the filing of the present application.

After hearing learned counsel for the parties and with their consent Mr. Anil Kumar Pathak, a former Judge of the Delhi High Court is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Justice Pathak 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 the convenience of their respective clients as also of the Arbitrator, the venue of the arbitration shall be at Delhi.

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

AB-84,  
Shahjahan Road,  
New Delhi-110003  
(Mob. No. 99103-84602)

After seeking the convenience of the Arbitrator, the parties are directed to appear before the Arbitrator on 20.02.2020 or on any other date suitable to all concerned.

The applications being ARB-330-2018 to ARB-339-2018 are disposed of in the above terms.

10.02.2020  
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[ DEEPAK SIBAL ]  
JUDGE

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