

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

117

ARB-22-2024

Date of decision:18.04.2024

MRS. RADHIKA NEB

...PETITIONER

VS.

MR. RAJENDER KUMAR

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rohit Rana, Advocate for
Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Saksham Mahajan, Advocate for the respondent.

SUVIR SEHGAL J. (ORAL)

1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, petitioner has approached this Court for appointment of an Arbitrator to adjudicate the dispute between the parties.

2. Counsel for the petitioner submits that an agreement to sell dated 09.03.2021, Annexure P-1, has been entered into between the parties and Clause 30 contains the arbitration clause. Legal notice dated 01.12.2023, Annexure P-3, has been sent to the respondent by registered post invoking the arbitration clause.

3. Upon being served, respondent has filed a reply, which is taken on record. Respondent has opposed the appointment of the Arbitrator *inter alia* disputing the service of notice, Annexure P-3.

4. I have heard counsel for the parties and considered their respective submissions.

5. Notice, Annexure P-3, has been sent by registered post. Postal receipt has been affixed on the notice (at page 30 of the paper-book). Despite this clear evidence of sending the notice by registered post, respondent has the audacity to deny the same. The stand taken by him, is rejected.

6. Petition is allowed. Sh. Shri Krishan Kaushik, District & Sessions Judge (Retd.) H. No. 1118, Sector 46, Gurugram, Mobile No.9599499060, is appointed as the sole Arbitrator to adjudicate the dispute between the parties, subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to adjudicate the dispute between the parties.

7. Parties are directed to appear before the learned Arbitrator on 29.05.2024 or on any day, time and place to be fixed and communicated by the learned Arbitrator at his convenience.

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

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

10. Copy of the order be sent to the learned arbitrator.

11. Pending application(s), if any, shall stand disposed of.

18.04.2024

sheetal

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No