

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

ARB-154-2020 (O&M)
Date of Decision:-13.10.2020

Saurabh Mehta and another ...Petitioners

Versus

Godrej Projects Development Ltd. ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Irshaan Singh Kakar, Advocate for the petitioners.

Mr. Kunal Dawar, Advocate for the respondent.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short – *the Act*) for appointment of an Arbitrator in a dispute pertaining to possession of a finished apartment.

The petitioners claim that they were not provided the possession of finished apartment with all amenities etc. by the respondent, as had been agreed vide agreement dated 2.2.2015. Admittedly, as per Clause 19 of the terms and conditions of said Agreement, such disputes between the parties were to be settled through Arbitration.

On dispute having arisen between the parties, the petitioners sent legal notices dated 24.11.2017 (Annexure P-7) and 6.12.2017 (Annexure P-8) to the respondent seeking refund of the entire amount of

₹51,80,227.46/- deposited by them. In the alternative appointment of an Arbitrator was sought. In response to the aforesaid legal notices, the respondent neither refunded the claimed amount nor appointed the Arbitrator, occasioning the filing of the present petition.

After hearing learned counsel for the parties and with their consent, Sh. Raj Kumar, District and Sessions Judge (Retd.), is appointed as the sole Arbitrator for adjudicating the disputes between them. However, such appointment would be subject to the declaration to be made by Sh. Raj Kumar 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.

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 Gurugram or at any other place convenient to all concerned.

A copy of the this order be forwarded to Sh. Raj Kumar, District and Sessions Judge (Retd.) at the given address:

H.No.S-18/1A, DLF, Phase-3,
Gurgaon 122002.
Mobile No.09996746664/07290917383.

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on **3.11.2020 at 11 A.M.** or any other date suitable to all concerned.

The matter is disposed of in the above terms.

13.10.2020

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**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No