

Arbitration Case No. 266 of 2020(O&M)

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

**Arbitration Case No. 266 of 2020(O&M)
Date of decision: 8th February, 2023**

M/s Landmark Infonet Pvt. Ltd.

Petitioner

Versus

M/s Rays Power Infra Pvt. Ltd.

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S. S. Bedi, Advocate for the petitioner.
Mr. Anurag Kalavatiya, 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.

There was a lease agreement between the parties. Clause 30 of the general terms and conditions provides for dispute resolution through arbitration. As per clause 31, the arbitration proceedings are to be held at Gurgaon.

There was a dispute between the parties.

The petitioner issued notice dated 25.8.2020 for appointment of arbitrator. The needful having not been done, the present petition was filed.

Learned counsel for the respondent seeks liberty to raise the issue as to whether the dispute between the parties is arbitral or not before the arbitrator.

Accordingly, the present petition is disposed of by appointing Mr. Justice Virendra Vikram Singh, former Judge of Allahabad High Court

as sole arbitrator.

Needless to say that the respondent would be at liberty to raise the issue before the arbitrator as to whether dispute is arbitrable or not.

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.

Since the main case has been disposed of, pending applications, if any, stand disposed of.

Copy of the order be sent to the appointed arbitrator.

[AVNEESH JHINGAN]
JUDGE

8th February, 2023

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |