

(2021) 12 RAJ CK 0012

In the Rajasthan High Court

Case No : S.B. Arbitration Application No. 22 Of 2021

Budharam Bishnoi

APPELLANT

Vs

Tagraj Vaktaji Rajpurohit And Others

RESPONDENT

Date of Decision : 02-12-2021

Acts Referred:

Arbitration And Conciliation Act, 1996 — Section 11, 11(6A), 12

Citation : (2021) 12 RAJ CK 0012

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : Jog Singh Bhati, Rameshwar Lal Dave

Final Decision : Allowed

Judgement

Vinit Kumar Mathur, J

The present application has been filed by the applicant under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of the Arbitrator to resolve the dispute which has arisen between the applicant and non-applicant/respondent.

The notices were issued by this Court and the same are served on the non-applicant/respondent.

Heard the counsel and perused the material available on record.

No reply has been filed.

The parties entered into a contract agreement on 15.02.2020 and as per the contract agreement, there is an arbitration clause enumerated in para 17, which reads as under :-

"17. In case of any dispute, difference of any opinion, question or interpretation of this deed or regarding business, the same shall be decided according to the Indian Arbitration Act then in force."

Learned counsel for the parties does not dispute the fact of an arbitration clause and the dispute which has arisen between the parties.

According to the provisions contained in Section 11 (6A) of the Arbitration and Conciliation Act, while considering any application under sub-section (4), (5) & (6), the Court is only required to examine the existence of an arbitration agreement. As the existence of arbitration agreement is not in dispute, the application filed by the applicant deserves to be accepted.

In the circumstances, the arbitration application is allowed. Mr. M.P. Bohra (Retired District Judge) is appointed as a sole Arbitrator to adjudicate upon the dispute between the parties in terms of arbitration agreement and as per the Rajasthan Manual of Procedure for Alternative Dispute Resolution, 2009, as amended up to date and also as per the provisions of Arbitration and Conciliation Act.

The record of the case may be transmitted to the Mr. M.P. Bohra (Retd).

The above appointment is subject to the necessary disclosure under Section 12 of the Act.

Needles to say that the fee of the Arbitrator will be paid as per the Fourth Schedule of the Arbitration and Conciliation Act.