
(2018) 05 UK CK 0116

In the Uttarakhand High Court

Case No : Arbitration Application No. 09 of 2016

MS RAVINDRA KUMAR GUPTA AND SONS

APPELLANT

Vs

UNION OF INDIA AND OTHERS

RESPONDENT

Date of Decision : 24-05-2018

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 11(6), 11(8), 12

Citation : (2018) 05 UK CK 0116

Hon'ble Judges : SUDHANSHU DHULIA, J

Bench : Single Bench

Advocate : Aditya Pratap Singh, Sanjay Bhatt,

Final Decision : Disposed Of

Judgement

Sudhanshu Dhulia, J

1. This arbitration application has been filed by the applicant under Section 11 (6) of the Arbitration and Conciliation Act, 1996 for appointment of an

Arbitrator.

2. Applicant and respondent no. 2 entered into a contract on 19.12.2014 for â?? provision of OTM Accommodation (other than Married

Accommodation) (Phase-II) at Lansdowne. Now certain disputes have arisen between the parties with regard to final payment. Consequently, the

applicant sent notices to respondent no. 2 for appointment of an arbitrator, but respondent no. 2 failed to appoint an arbitrator in the matter. Hence, the

applicant has approached this Court for appointment of an arbitrator.

3. The only objection raised by the respondents is that negotiations are going on between the parties. Learned counsel for the applicant denies this

submission of the learned counsel for the respondents.Â

4. Admittedly, the contract has an arbitration clause, which is admitted by both the parties. Since, it would be in the best interest of both the parties that an arbitrator be appointed from the panel of arbitrators of MES, on the last occasion, parties were directed to suggest a name. The name which has been suggested by the applicant is of Sri S.K. Gupta, Panel of Arbitrators, Chandigarh, G.E. Chandimandir Complex, Chandimandir, to which the learned counsel can have no objection as Sri S.K. Gupta is from their panel of Arbitrators.Â

4. In view thereof, Sri S.K. Gupta, who is in the panel of Arbitrators of MES and stationed at Chandigarh is appointed as sole arbitrator to adjudicate the dispute, which shall be subject to declaration of the prospective Arbitrator under the amended provisions of Section 11(8) read with Section 12 of the Arbitration and Conciliation Act, 1996 as regarding his independence and disclosure, if any, of any fact which may give cause to anyone as regarding his independence and impartiality in the matter, which is now the requirement of law.

5. Arbitration petition stands disposed accordingly.Â