

IN THE HIGH COURT OF SIKKIM

CIVIL JURISDICTION

ARB. P. No. 01/2014
Sem Sodeun Wangdi vs. Land Revenue & Disaster Management
Deptt.
BEFORE
HON'BLE THE CHIEF JUSTICE
MR. JUSTICE N.K. JAIN

08. 27.06.14 Present: M/s. A. Moulk, Sr. Advocate with K.D. Bhutia and
Ranjeet Prasad, Advocates for the Petitioner.

M/s. Karma Thinlay, Sr. Govt. Advocate with S.K.
Chettri, Pollin Rai, Asstt. Govt. Advocates and D.K.
Siwakoti and Thinlay Dorjee Bhutia, Advocates for
the State-respondent.

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Heard learned counsel for the parties.

The applicant, Mrs. Sem Sodeun Wangdi, has filed this Application under Section 11 read with Sections 8 and 9 of the Arbitration and Conciliation Act, 1996, for appointment of an Arbitrator, in view of Arbitration Clause contained in Lease Deed dated 17.06.2011 executed between both the parties, as there is a dispute between both the parties, in respect of property, which is subject matter of Lease Deed.

A notice to show cause was given to opposite party and in response thereto, the respondents have put their appearance.

During the pendency of this Application, learned counsel for both the parties have filed a joint Application

duly signed by both the parties, i.e. Civil Misc. Application No. 180/2014, with a request that both the parties are agreed on the name of Mr. B.C. Sharma, retired District & Sessions Judge, to be appointed as an Arbitrator in the present matter, therefore, Mr. B.C. Sharma be appointed as Sole Arbitrator to resolve the dispute between the parties.

I have considered the submissions of learned counsel for the parties. As per pleadings and submissions of parties, a dispute between parties exists, therefore, it will be appropriate to appoint an Arbitrator. Since both the parties are agreed on the name of Mr. B.C. Sharma, District & Sessions Judge (retired), for his appointment as an Arbitrator in the case, therefore, I think it fit and proper to appoint him as an Arbitrator. Consequently, Mr. B.C. Sharma, District & Sessions Judge (retired) is appointed as Sole Arbitrator in the matter, to resolve the dispute between the parties. The Arbitrator will conduct the matter at Gangtok (Sikkim).

Both the parties are directed to pay a total lump sum amount of Rupees One Lakh only towards remuneration and Rupees Ten Thousand towards expenses (as he resides outside Sikkim) to the Arbitrator, equally, as per his convenience.

It is needless to mention that parties will contact the Arbitrator and get a date fixed for Gangtok. The parties shall submit their statement of case etc. etc. before the Arbitrator on the date fixed or as directed by him.

With the aforesaid order and directions, the Application stands disposed off.

A copy of this order be sent to Mr. B.C. Sharma, District & Sessions Judge (retired).

Chief Justice
27.06.2014

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**CMA No. 180/2014 in ARB. P. No. 01/2014
Sem Sodeun Wangdi vs. Land Revenue &
Disaster Management Deptt.**

**BEFORE
HON'BLE THE CHIEF JUSTICE
MR. JUSTICE N.K. JAIN**

01. 27.06.14 Present: M/s. A. Moulk, Sr. Advocate with K.D. Bhutia and
Ranjeet Prasad, Advocates for the Petitioner.

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Chettri, Pollin Rai, Asstt. Govt. Advocates and D.K.
Siwakoti and Thinlay Dorjee Bhutia, Advocates for
the State-respondent.

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In view of the order passed in Arb. P. No.01 of 2014,
the Application stands disposed off.

Chief Justice
27.06.2014