

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

SHRI JUSTICE S.K. MISHRA, A.C.J.

ARBITRATION PETITION No. 27 OF 2021

31ST DECEMBER, 2021

Between:

GTM Builders and Promoters Private Limited,
Office No. 217, 2nd Floor, D-21, Corporate Park DMRC
Building, Sector-21, Dwarka, New Delhi-110077,
through its Managing Director.Applicant.

and

Uttarakhand Transport Corporation,
UTC Headquarters, 1, Raj Vihar,
Chakrata Road, Dehradun, Uttarakhand-248001,
through its Managing Director. ..Respondent

Counsel for the applicant: Ms. Pragati Sanwal,
learned proxy counsel for
Mr. Dharmendra
Barthwal, learned
counsel.

Counsel for the respondent: Mr. Ashish Joshi, learned
counsel.

*Upon hearing the learned counsel, the Court made
the following:*

ORDER :

In this application, filed under sub-section (6) of
Section 11 of the Arbitration and Conciliation Act, 1996
(for short the 'Act'), the applicant has prayed for
appointment of one or more independent and impartial
persons as Arbitrator(s) to constitute an Arbitral Tribunal.

2. Clause 11.2 of the Concession Agreement dated 28.01.2015 is the arbitration clause for resolving the disputes between the parties, which is not disputed by the learned counsel for the respondent.

3. It is brought to the notice of this Court that the applicant has already nominated Mr. V.K. Maheshwari, (retired District Judge), R/o 252/2 Guru Nanak Road, Subhash Nagar, Dehradun, and the respondent has also nominated Mr. Balbir Prasad (retired District Judge), R/o HIG-142, Indirapuram, MDDA Colony, GMS Road, Dehradun as an Arbitrator.

4. Now both the learned counsel submit that the third Arbitrator may be appointed so that the Arbitral Tribunal may be constituted. Both the learned counsel has made a suggestion before this Court that former Judge of this Court Mr. Justice Irshad Hussain, R/o Irshad Manzil, 13/36, Azad Nagar, Banbhoolpura, Haldwani, Nainital, be appointed as the third Arbitrator/ Umpire.

5. Hence, this application is disposed of accordingly by appointing Mr. Justice (Rtd.) Irshad Hussain, R/o Irshad Manzil, 13/36, Azad Nagar, Banbhoolpura, Haldwani, Nainital, as the Presiding Arbitrator of the Arbitral Tribunal to resolve the dispute between the parties.

6. Let the Arbitrator be intimated accordingly. The learned Arbitrator shall, in terms of Section 11(8) of the 1996 Act, furnish his disclosure in writing to this Court within 15 days from the date of receipt of a certified copy of this order. He shall, thereafter, fix his remuneration, and charges towards other expenses, in consultation with the parties to the dispute. He shall endeavour to complete the arbitral proceedings, and to pass an award with utmost expedition, preferably within six months from the date on which he enters upon a reference.

(S.K. Mishra, A.C.J.)

31.12.2021

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