**Petition For Appointment Of A Sole Arbitrator**

Before the High Court at Himachal Ordinary Original Civil Jurisdiction

In the matter of:

An application under section 11 of the said Act

In the matter of:

An Arbitration Agreement bearing in the Contract No. 222 dated ..................

And

In the matter of:

Shimla Construction, a company registered under the Companies Act 1956 and doing business at The Mall, Shimla, H.P.

Petitioner

Versus

M/s ………Ltd., a company registered under the Companies Act 1956 and doing business at Chandigarh.

Respondent

To

 The Hon’ble Mr........

Chief Justice and His Companion Justices of the said Hon'ble Court

The petitioner named above most respectfully

showeth:

1. Petitioner is engaged in building trade, having a good reputation.

2. By and under a agreement dated ........................... entered into with the respondent petitioner consented to construct and build specified, apartments for and on behalf of the respondent. The terms / conditions along with specifications will appear from the said agreement. Petitioner under took the work of building per terms of agreement and offered to handover possession of the completed work to the respondent.

3. The respondent on some pretext or the other did not take delivery of the apartments built by petitioner, and to pay the final bills of petitioner duly presented to the respondent.

4. The said agreement bearing a clause concerning that all controversies and disagreements shall be referred to an Arbitrator to be selected by the parties.

5. The controversies and disagreements have emerged between parties on or about November 2002, petitioner requested the respondent to approve the selection of a sole Arbitrator and petitioner selected Mr. Ajay Sharma an Advocate Shimla. A copy of notice in this behalf sent to respondent is annexed hereto marked 'B'.

6. The respondent is doing business at the address given above within the said jurisdiction of this Hon'ble Court and the controversies emerged as the respondent did not give approval for selecting sole Arbitrator at the address of respondent within the jurisdiction of this Hon'ble Court.

7. Petitioner says that this Hon'ble Court will be pleased to select a sole Arbitrator as laid in the Arbitration agreement dated .................... a certified copy whereof is annexed hereto marked 'C'. '

8. Unless Orders are passed as prayed for herein, petitioner would sustain loss with prejudice.

9. This application is made bona fide with interest of justice.

Petitioner, hence humbly prays to Your Lordships for orders as below:

(a) A fit person be selected as sole Arbitrator for arbitrating the controversies emerging from the said agreement and make his Award;

(b) Costs of this application become costs in the arbitration proceedings;

(c) Subsequent orders be passed and instruction be given as to this Hon'ble Court may consider proper and fit for giving complete relief to petitioner.

And your petitioner as in duty bound shall ever pray.

Signature of the Advocate of the petitioner

Signature of the petitioner

VERIFICATION :

(1) I being Director of Shimla construction and Principal Officer and Constituted Attorney. I know and I have acquainted myself with the facts/circumstances of this case and I can depose thereto. I am empowered and competent to verify the above stated petition and I do verify the same on behalf of the petitioner.

(2) The statements covering in the paragraphs 1 to 9 herein are true to my best knowledge basing on information got from records kept by petitioner and I believe them to be true.

Solemnly affirmed by the said Mr. ........................pertaining to Board Resolution dated ............ of the Shimla construction. in the Court House at Himachal on the 1st day of January 2002.

Deponent