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Petition for Appointment of a Sole Arbitrator

In the High Court at _____ Ordinary Original Civil Jurisdiction

In the matter of:

The Arbitration & Conciliation Act 1996

And

In the matter of:

An application under section 11 of the said Act

And

In the matter of:

An Arbitration Agreement contained in the Contract No. dated

And

In the matter of:

XYZ India Private Ltd., a company registered under the Companies Act 1956/2013 and carrying on business at _____ [[Address of Registered office/Principal Place of Business](#)]

Petitioner

versus

ABC Private Ltd., a company registered under the Companies Act 1956/2013 and carrying _____ on _____ business _____ at _____ [[Address of Registered office /Principal Place of Business](#)]

Respondent

To

**The Hon'ble Mr.
.....,Chief Justice
and His Companion Justices
of the said Hon'ble Court**

The humble petition of the petitioner above-named most respectfully

SHEWETH:

1. Your petitioner is engaged in **construction** business and has a good reputation.
2. By and under an agreement dated entered into with the respondent your petitioner agreed to **construct and build specified houses, flats and other amenities** **[subject matter can be changed as per situation]** for and on behalf of the respondent. The terms and conditions and the specifications will be as appearing from the said agreement. Your petitioner carried out the work of construction in terms of the agreement and offered to deliver possession of the completed work to the respondent.
3. The respondent on some pretext or the other failed to take delivery of the **houses flats and guest houses constructed** by your petitioner, and to pay the final bills of your petitioner duly submitted to the respondent.
4. The said agreement contained a clause to the effect that all disputes and differences shall be referred to an Arbitrator to be appointed by the parties.
5. The disputes and the differences have arisen between the parties on or about Your petitioner requested the respondent to concur in the appointment of a sole Arbitrator and your petitioner appointed **Mr. PQR**, an Advocate of _____ **[place of practice]**. A copy of the notice in this regard sent to the respondent is annexed hereto marked 'A'.
6. The respondent is carrying on business at the address given above within the said jurisdiction of this Hon'ble Court and the disputes arose and the respondent failed to give concurrence for the appointment of sole Arbitrator at the address of the respondent within the jurisdiction of this Hon'ble Court.
7. Your petitioner states that this Hon'ble Court will be pleased to appoint a sole Arbitrator as provided in the Arbitration Agreement dated a certified copy whereof is annexed hereto marked 'B'.
8. Unless Orders are made as prayed for herein, your petitioner would suffer loss and prejudice.
9. This application is made *bona fide* and in the interest of justice.

Your petitioner, therefore, humbly prays to Your Lordships for the following orders:

- (a) A suitable person be appointed as the sole Arbitrator to arbitrate in the disputes arising from the said agreement and to give his Award;
- (b) Costs of this application be the costs in the arbitration proceedings;
- (c) Further orders be made and directions be given as to this Hon'ble Court may deem fit and proper to afford complete relief to your petitioner.

And your petitioner as in duty bound shall ever pray.

**Signature of the Advocate
of the petitioner**

**Signature of
the petitioner**

Verification

I, son of aged about years, by occupation service, working for **XYZ India Private Ltd** having registered office/principal place of business at do hereby solemnly affirm and say as follows:

- (1) I am the **Manager** of **XYZ India Private Ltd.** and Principal Officer and Constituted Attorney. I know and I have made myself acquainted with the facts and circumstances of this case and I am able to depose thereto. I am authorised and competent to verify the aforesaid petition and I do verify the same on behalf of the petitioner.
- (2) The statements contained in the paragraphs 1 to 9 herein are true to my knowledge based on information derived from records maintained by the petitioner and I believe them to be true.

Solemnly affirmed by the said Mr. pursuant to Board Resolution dated of the **XYZ India Private Ltd.** in the Court House at(place) on the ...th day of [date]

Before me

Commissioner