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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Arb.P./32/2025

RANDHIR BUILDERS PRIVATE LIMITED
A COMPANY REGISTERED UNDER THE COMPANIES ACT, 1956 HAVING ITS
PLACE OF BUSINESS AT PALTAN BAZAR, G.S. ROAD, GUWAHATI, PIN-
781008 (ASSAM), REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER SRI
RISHABH ARUN JALAN

VERSUS

SRS SHELTERS PVT LTD
HAVING ITS OFFICE AT 3 FLOOR, DC COMPLEX, NARENGI ROAD,
PANJABARI, GUWAHATI-781037

Advocate for the Petitioner : MR. K DEKA, MR R PAUL

Advocate for the Respondent : MR. JYOTIRMOY ROY, B SAHA, MR B P SARMAH, MR D DAS

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

30.03.2026

Heard Mr. K Deka, learned counsel for the petitioner. Also heard Mr. J. Roy, learned Senior counsel assisted by Ms. B.P Saha, learned counsel for the respondent.

2. This arbitration petition is filed under Section 11(6) by the petitioner as it is submitted that in pursuance to the agreement executed by and between the parties, certain disputes arose which could not be resolved mutually between the petitioner and the opposite party and the opposite party failed to concur on the arbitration sought to be resorted to by the petitioner.

3. The petitioner and the respondents executed a deed of sale on 13th of January 2016. By the said agreement, the first party had agreed to sell, transfer, and convey to the second party his right, title and interest in respect of the space measuring 13,892 square feet of carpet area standing on the first and second floor of (Grand Plaza) alongwith undivided proportionate share of land measuring 2 Lessas out of a total land measuring 2B-1K-16L covered by and/or comprised in Dag No. 452, 480 and 481 of KP Patta No. 162 of Sahar, Guwahati, (Part 5), Monza- Ulubari in the district of Kamrup (Metro) located at GS Road, Paltan Bazar, Guwahati- 781008 under GMC Ward No. 33. The description of the property is provided for in the schedule appended to the agreement. In terms of the said agreement, the second party was required to pay the Common Area Maintenance (CAM) charges as prescribed in the agreement. However, in respect of these charges required to be paid, a dispute arose between the petitioner and the respondent. The petitioner issued a notice dated 21.05.2025 calling upon the respondent authorities to pay up the said amount and however, the same not having been paid, the matter be referred for resolution of the dispute by referring it to arbitration on the sole arbitrator.

4. The respondents also replied to the said notice giving grounds and reasons as to why the CAM charges are found to be arbitrary and unjustified. Further, the proposal of the sole arbitrator as mentioned in the notice dated 21.05.2025 issued by the petitioner was also objected to.

- 5.** Being thus situated, the petitioner is before the court filing this petition under Section 76 of the Arbitration and Conciliation Act.
- 6.** Having heard the learned counsel for the parties, this court is of the view that there is a valid written agreement exist between the petitioner and the respondent where it is clearly provided that in cases of dispute, the matter may be referred for arbitration by a sole arbitrator to be appointed by the party of the first part or the association/committee or any person or body of person or service agents constituted in terms of Clause 14.
- 7.** Considering the submissions made, it is seen that there does exist arbitration clause in the agreement executed by and between petitioner and the respondent. The petitioner had duly issued the notice under Section 21 vide communication dated 21.05.2025 calling upon the respondent to concur on the appointment of the arbitrator named therein as a sole arbitrator.
- 8.** Considering the same, this Court under the powers conferred under Section 11(6) hereby proceeds to appoint Mr. Justice Prasanta Kumar Deka, Former Judge, Gauhati High Court to act as a sole Arbitrator to arbitrate and decide on the disputes arising by and between the parties.
- 9.** This appointment however is prospective subject to the written declaration required to be submitted by the arbitrator sought to be appointed under Section 12(1) of the Arbitration and Conciliation Act.
- 10.** A copy of this order shall be communicated by the Registry to the arbitrator appointed as also the petitioner who are given liberty to place copies of the order before the prospective arbitrator.
- 11.** Let this matter be listed again on 04.05.2026 by which date the parties may place before the Court a written declaration that may be issued by the

prospective arbitrator.

JUDGE

Comparing Assistant