

Court No. - 46

Case :- ARBITRATION AND CONCILI. APPL.U/S11(4) No. - 84 of 2021

Applicant :- Yogendra Singh

Opposite Party :- Evolve Technologies

Counsel for Applicant :- Mohan Upadhyay

Counsel for Opposite Party :- Jamal Ahmad Khan

Hon'ble Ashwani Kumar Mishra,J.

This is an application under Section 11 of the Arbitration and Conciliation Act for appointment of an arbitrator.

The agreement is between the two companies, which contains an arbitration clause. The application for appointment of arbitrator, however, has been filed by an individual. On the previous occasion when such fact was pointed out, the applicant's counsel was permitted to correct the array of parties.

An application for impleadment has been filed, which again is not on behalf of the company. It is, accordingly, rejected.

The application for appointment of arbitrator would be maintainable only at the instance of the party to the agreement i.e. the Company itself. It cannot be entertained at the instance of an individual claiming to be the Director of the Company, when there is no authorization by the Company for such purposes. Application filed for appointment of arbitrator by Yogendra Singh is, accordingly, rejected.

Order Date :- 19.10.2023

Anil