

**102+210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

ARB No.270 of 2018 (O&M)

Date of Decision:20.01.2020

M/S INABATA INDIA PVT. LTD.

...Petitioner

Versus

M/S MOL LOGISTICS (INDIA) PVT. LTD AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Surjeet Bhadu, Advocate with
Mr. Madhukar Tomar, Advocate and
Mr. Siddharth Bhargav, Advocate for the petitioner.

Mr. Pankaj Singh, Advocate with
Ms. Ranjana Singh, Advocate for the respondents.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for short-the Act) for appointment of an Arbitrator in a commercial dispute.

Through an agreement dated 30.04.2015, the petitioner engaged the service of the respondents to store its goods in its warehouses. Admittedly, as per the agreement, in case of any dispute between the parties the same was to be settled through the mode of arbitration.

During the course of business dealings between the parties, disputes arose resulting in invoking of the arbitration clause by the petitioner. The petitioner asked the respondents to appoint an Arbitrator which was not done occasioning the filing of the present petition.

After hearing learned counsel for the parties, for adjudicating the disputes between them, Justice M.M.Kumar, Chief Justice (Retd.) is

appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Justice Kumar under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.

The Arbitrator is requested to complete the proceedings within the time limit specified under Section 29A of the Act.

The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.

As per agreement expressed by learned counsel for the parties, for the sake of the convenience of their respective clients as also of the Arbitrator, the venue of the Arbitration shall be at Chandigarh or at any other place convenient to all concerned.

A copy of the this order be forwarded to Justice M.M.Kumar, Chief Justice (Retd.) at the given address:

H.No.79,
Sector-16 A,
Chandigarh.

After seeking the convenience of the Arbitrator, the parties are directed to appear before him on 31.01.2020 at 11 A.M. or any other date suitable to all concerned.

The matter is disposed of in the above terms.

January 20, 2020

**(DEEPAK SIBAL)
JUDGE**

Jyoti Whether speaking/reasoned Yes/No Whether Reportable Yes/No