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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**ARB No.12 of 2019(O&M)**
**Date of Decision: 09.11.2022**

**M/s Cotton County Retail Limited**

**.....Petitioner**

**Vs**

**M/s SB Garments**

**.....Respondent**

**CORAM:** ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Harshit Anand, Advocate for
Mr. Aalok Jagga, Advocate
for the petitioner.

Mr. Narinder Kumar Vadehra, Advocate
for the respondent.

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***RAJ MOHAN SINGH, J.(Oral)***

[1]. The petitioner has filed the present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of the sole arbitrator to adjudicate the dispute between the parties.

[2]. Both the parties are *ad idem* that in view of claim set up by the petitioner as well the proposed counter claim set up by the respondent, it would not be feasible to get an Arbitral

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Tribunal constituted, rather the sole Arbitrator would suffice to answer the claims of the parties. Petitioner has set up a claim to the tune of Rs.3,92,251/- along with interest. The respondent company has invoked the bank guarantee of Rs.12,00,000/- on the plea that the respondent company had to recover more than Rs.15,92,251.35 from the petitioner.

[3]. During course of arguments, both the parties have arrived at a consensus that a retired judicial officer of the rank of District and Sessions Judge be appointed as sole Arbitrator to arbitrate the dispute between the parties.

[4]. Both the parties would be at liberty to set up their claim/counter claim along with interest in accordance with law.

[5]. Learned counsel for the parties have also agreed that the venue of the arbitration be fixed preferably at Ludhiana.

[6]. In view of consensus arrived at between the parties, I deem it appropriate to appoint ***Sh. J.S. Klar, District and Sessions Judge (Retd.), House No.210, Manjit Nagar Bhadson Road, Patiala, Phone No.9779568636*** as the sole Arbitrator, to resolve the dispute/difference between the parties. The appointment of the Arbitrator shall be subject to the declaration to be made by him as required under Section 12 of Arbitration and Conciliation Act, 1996 in respect of his

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independence and impartiality to settle the dispute between the parties.

[7]. The Arbitrator would complete the proceedings within the specified time in terms of Section 29-A of the Act. The Arbitrator shall be paid fee in accordance with the IVth Schedule of the Act as amended from time to time. The fee shall be borne by both the parties equally.

[8]. Preferably the venue of the Arbitration shall be at Ludhiana, however, the same shall be subject to ultimate convenience of the Arbitrator.

[9]. A copy of this order be dispatched to the Arbitrator at the following address:-

***Sh. J.S. Klar, District and Sessions Judge (Retd.),***
***House No.210, Manjit Nagar Bhadson Road, Patiala,***

***Phone No.9779568636.***

[10]. Petition stands disposed of accordingly.

**(RAJ MOHAN SINGH)**
**JUDGE**

09.11.2022
*Prince*

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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