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

277

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Date of Decision: 30.09.2024

Ravi Kumar

...Applicant

Versus

M/s GADS Hospitality and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Dixit Garg, Advocate and
Mr. Iqbal Singh, Advocate for the applicant

Service upon respondent No.1 dispensed with
vide order dated 28.11.2023

Mr. Lalit Sharma, Advocate for respondent Nos.2 and 3

Mr. Suneet Pal Singh Aulakh, Advocate
for respondent Nos.4 and 5

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.

2. The parties entered into partnership deed dated 08.04.2019 (Annexure P-1). A dispute erupted between the parties. There is an arbitration clause in the aforesaid deed. The execution of partnership deed, arbitration clause in the aforesaid deed and service of notice under Section 21 of 1996 Act is not disputed.

3. Reply filed by respondent Nos.4 and 5 along with receipt of deposit of costs is taken on record. Registry is directed to tag the same at an appropriate place.



4. Learned counsel for the respondents submits that the applicant invested ₹75 Lakhs in the partnership firm. All the partners commenced business of liquor. They suffered heavy losses during COVID-19 pandemic and closed the business. The applicant is demanding back his share.

5. The issue raised by the applicant and objection of the respondents cannot be decided by this Court. It is the Arbitral Tribunal which will adjudicate the issues.

6. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

7. Mrs. Justice Ritu Tagore, Retired Judge of this Court, residing at House No.3410, Sector 24-D, Chandigarh, Mobile No.9996171012 is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements. The learned Arbitrator is requested to comply with mandate of Section 12 of 1996 Act before proceeding further.

8. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at her convenience.

9. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

10. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.



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11. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.

12. A request letter along with copy of this order be sent to Mrs. Justice Ritu Tagore.

(JAGMOHAN BANSAL)
JUDGE

30.09.2024
Mohit Kumar

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