

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

120

ARB-230-2021
Date of decision:03.05.2024

SANJAY KUMAR

...PETITIONER

VS.

INDIAN OIL CORPORATION LTD.

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ritesh Aggarwal, Advocate
for the petitioner through video conferencing.

Mr. Ashish Kapoor, Advocate
for the respondent.

SUVIR SEHGAL J. (ORAL)

1. Instant application has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, (for short “the Act”) for appointment of an Arbitrator.
2. Challenging an interim order passed by this Court, petitioner approached the Supreme Court and the following order was passed on 22.04.2024 in Civil Appeal No.5259 of 2024 (arising out of SLP (Civil) No.4654 of 2024):

“Leave granted.

After having heard the learned counsel appearing for the parties, we find that the impugned direction could not have been issued in a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short, “the Arbitration Act”).

The learned counsel appearing for the parties agree that the application under Section 11 (6) of the Arbitration Act deserves to be allowed. Hence, by setting aside the impugned order dated 10th January, 2024, we direct that the application for appointment of the Arbitrator shall be listed before the roster Bench of the High Court on 3rd May, 2024, when the Court will pass an order appointing a sole Arbitrator.

The parties are directed to appear before the roster Bench on the date fixed.

A copy of this order shall be forwarded to the Registrar (Judicial) of the Punjab and Haryana High Court.

The Appeal is, accordingly, allowed. ”

3. Counsel for the parties have agreed to the appointment of an Arbitrator at Gurgaon.
4. Petition is allowed. Mr. Justice (Retd.) Virendra Vikram Singh, a former judge of the Allahabad High Court (U.P.), Flat No. E-803, Park View City-2, Sector 49, Sohna Road, Gurugram, Mobile No.8004928584, is requested to act as a sole Arbitrator to adjudicate the dispute between the parties.
5. Parties are directed to appear before the learned Arbitrator on a day, time and place to be communicated by him.
6. Liberty is granted to the parties to raise all claims, counter claims, defences, pleas etc. before the Arbitrator.
7. Needless to mention that all the questions arising between the parties in this matter shall remain open for determination in the arbitral proceedings and any observation made hereinabove will not be binding

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No