



ARB-35-2024 (O&M)

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

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ARB-35-2024 (O&M)
Date of Decision: 05.09.2024

Anantam

...Applicant

Versus

Winni Retails Private Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Vishal Moudgil, Advocate for the applicant
Mr. Vivek Suri, Advocate,
Mr. Dushyant Godara, Advocate and
Mr. Darpan Bansal, Advocate for the respondent

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 applicant entered into a Franchise Agreement dated 27.02.2021 (Annexure P-1). There is an arbitration clause in the aforesaid agreement. The execution of agreement, arbitration clause in the agreement is not disputed.

3. Learned counsel for the respondent disputes claim of the applicant on merits.



4. The objection of the respondent is not sustainable because merits of the case would be adjudicated by the Arbitral Tribunal.

5. 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.

6. Mr. Justice Sant Parkash, Retired Judge of this Court, resident of House No. 478, The Punjab Judicial Officers Co-Operative House Building Society, The Foothills New Chandigarh, Mullanpur, Mobile Nos.8930244436, 9646102330 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.

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

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

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

10. 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.

11. Pending application(s), if any, shall stand disposed of.

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12. A request letter along with copy of this order be sent to Mr. Justice Sant Parkash.

(JAGMOHAN BANSAL)
JUDGE

05.09.2024
Mohit Kumar

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