



ARB-46-2024

-1-

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

289

ARB-46-2024

Date of Decision: 03.10.2024

Virender Singh Nandal

...Applicant

Versus

All India Jat Heroes Memorial College Rohtak and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sandeep K. Sharma, Advocate for the applicant

Mr. Ajay Ghangas, Advocate for the respondents

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. Pursuant to tender, the applicant was allotted work by the respondent vide letter dated 15.01.2019 (Annexure P-2). Thereafter, a contract agreement dated 15.01.2019 (Annexure P-3) was executed between the parties. A dispute erupted between the parties. There is an arbitration clause in the conditions of contracts. The allotment of work, execution of agreement, arbitration clause in the conditions of contracts and service of notice under Section 21 of 1996 Act is not disputed.

**ARB-46-2024****-2-**

3. Learned counsel for the respondent submits that he leaves it to this Court to make appointment of an independent Arbitrator. He further submits that as per arbitration clause, the applicant has to make pre-deposit of 10% of the claimed amount.

4. The applicant, on being confronted with the said clause, submits that pre-deposit would be made within four weeks from today.

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. Vimal Kumar Bakshi, District and Sessions Judge (Retd.), residing at House No.1724, Sector 9, HUDA, Karnal, Mobile No.9996886443 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 1996 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. A request letter along with copy of this order be sent to Mr. Vimal Kumar Bakshi.

(JAGMOHAN BANSAL)
JUDGE

03.10.2024
Mohit Kumar

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