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

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Date of Decision: 01.08.2024

Sterling Generator Pvt. Ltd.

...Applicant

Versus

M/s Ireo Waterfront Private Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Gaurav Tyagi, Advocate for the applicant

Mr. Sandeep Verma, 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 respondent placed purchased order upon the applicant. Pursuant to purchase order, the applicant supplied generator sets. As per minutes of meeting dated 31.12.2017, a sum of ₹85,45,725/- was outstanding against the respondent.

3. The applicant, in terms of Section 21 of 1996 Act, served notice dated 01.02.2021 (Annexure P-8) upon the respondent. The respondent did not act upon it. Hence, present application.

4. Mr. Sandeep Verma, Advocate submits that a sum of ₹85,45,725/- was outstanding against the respondent, however, the said



amount was paid by way of transfer of a flat in the project of M/s Puma Realtors Private Limited which is a group company of the respondent. The applicant failed to get sale deed registered in its favour and is now running after the respondent who has already discharged its liability by way of transfer of flat through its group company.

5. The respondent is unable to dispute the fact that there is arbitration agreement and the applicant has supplied goods to it. The respondent is further unable to dispute the fact that there is dispute between the parties. The question whether respondent has already discharged its liability has to be decided by Arbitrator and it does not fall within jurisdiction of this Court while adjudication application under Section 11(6) of 1996 Act.

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. Mr. Justice (Retd.) M.S. Sullar, residing at House No.220, Sector 25, Panchkula, Haryana, Mobile No.9780008105 is requested to act as an 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 his convenience.



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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 Act.

11. Needless to mention, parties will 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 Mr. Justice (Retd.) M.S. Sullar.

(JAGMOHAN BANSAL)
JUDGE

01.08.2024
Mohit Kumar

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