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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB-59-2024

Date of decision:-16.07.2024

Liberty Shoes Ltd.

...Petitioner

Versus

M/s Liberty Group Marketing Division

...Respondent

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present** : Mr.Dinesh Maurya, Advocate
for the petitioner.Mr.P.S. Rana, Advocate
for the respondent.

SUVIR SEHGAL, J.(ORAL)

1. Petitioner has invoked the jurisdiction of this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short "the Act") for appointment of an Arbitrator to adjudicate the dispute between the parties.

2. Counsel for the petitioner submits that an agreement dated 31.03.2003, Annexure P1, for transfer of business on franchise basis, was entered into between the parties, which was renewed vide agreement

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dated 29.03.2018, Annexure P2, for a period of 10 years. He submits that by notice dated 28.09.2022, Annexure P3, respondent terminated the agreement, Annexure P2 and the petitioner sent a reply dated 19.10.2022, Annexure P4, to the termination notice. Counsel submits that the petitioner has filed a petition under Section 9 of the Act, which is pending before the learned Additional District Judge, Karnal. He submits that petitioner approached this Court for appointment of an arbitrator by filing ARB-529-2023, which was permitted to be withdrawn vide order dated 23.01.2024, Annexure P8, with liberty to file a fresh one after availing the procedure prescribed under the Act. Counsel submits that the petitioner served the notice dated 10.06.2023, Annexure P9, invoking the arbitration Clause No.17, which has remained unresponded.

3. Upon notice by this Court, Mr.P.S. Rana, has put in appearance on behalf of the respondent and has filed power of attorney on its behalf, which is taken on record. He has specific instructions to state that there is no opposition to the prayer made in the petition.

4. Accordingly, petition is allowed. Mr. Justice (Retd.) Rajiv Sharma, a former Judge of this Court, r/o House No. 505 (Backside First Floor), Sector 36-B, Chandigarh 160036, M: 9816700002 is requested to act as an Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements.

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

6. Parties will be at liberty to raise all the pleas/defences

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before the Arbitrator.

7. Needless to mention that all the questions arising between the parties in this matter will remain open for determination in the arbitration proceedings, and any observation made hereinabove will not be binding on the learned Arbitrator.

8. A request letter be sent to Mr. Justice (Retd.) Rajiv Sharma alongwith a copy of this order.

16.07.2024**Brij****(SUVIR SEHGAL)
JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**