



ARB-71-2024

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

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**ARB-71-2024  
Decided on 05.11.2024**

**GHV Advanced Care Private Limited****...Applicant**

**Versus**

**Suryadeep Hospital India Private Limited****...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Sahil Khunger, Advocate for the applicant

Mr. Vishesh Jain, Advocate for the respondent

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**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 parties entered into agreement dated 29.09.2019 (Annexure A-1). A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The execution of agreement, arbitration clause in the agreement and service of notice under Section 21 of 1996 Act is not disputed.

3. Reply filed on behalf of the respondent is taken on record. Registry is directed to tag the same at an appropriate place.

4. Learned counsel for the respondent submits that all dues of the applicant have already been cleared and the claim, in any case, is time barred.

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5. This Court does not find claim of the applicant hopelessly barred by limitation and the question of limitation as well as payment of dues needs to be examined by the Arbitral Tribunal.

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. Dr. Shiva Sharma, District & Sessions Judge (Retd.), residing at House No.195, Sector 56 (HUDA Plots), Gurugram, Haryana, Mobile No.9560520062 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.

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

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 1996 Act.

11. 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.

12.           A request letter along with copy of this order be sent to  
Dr. Shiva Sharma.

(JAGMOHAN BANSAL)  
JUDGE

05.11.2024  
*Mohit Kumar*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |