



ARB-157-2024

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

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ARB-157-2024

Date of Decision: 27.08.2024

M/s Paramhans Securities

...Applicant

Versus

M/s Bharat Sanchar Nigam Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Ravinder Singh Viridi, Advocate and
Mr. Gaurav Sharma, Advocate for the applicant
Mr. Anil Rathee, 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. The parties entered into agreement dated 31.08.2013 (Annexure P-1). 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. Learned counsel for the respondent submits that applicant, at the initial stage, approached Civil Court for the dispute in question. The suit was dismissed and even an application seeking restoration was dismissed.

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4. Learned counsel for the applicant submits that applicant did not pursue its suit because respondent raised an objection in terms of Section 8 of 1996 Act. There is a specific arbitration clause in the agreement, thus, the applicant was bound to avail remedy of arbitration instead of filing suit.

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. Sanjeev Kumar Garg, District & Sessions Judge (Retd.), resident of H.No.518, IAS/PCS Society, Mullanpur, New Chandigarh, Mobile No.7626900060 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. A request letter along with copy of this order be sent to Mr. Sanjeev Kumar Garg, District & Sessions Judge (Retd.).

(JAGMOHAN BANSAL)
JUDGE

27.08.2024
Mohit Kumar

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