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

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Date of Decision: 01.10.2024

Vinod Kumar

...Applicant

Versus

**The Haryana State Cooperative Supply and Marketing Federation
Limited** **...Respondent**

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Mohit Soni, Advocate for the applicant

Mr. Prateek Mahajan, Advocate and
Ms. Saloni Sharma, 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. Pursuant to tender, the applicant was allotted work vide letter dated 10.09.2019 (Annexure A/2) by the respondent. A dispute erupted between the parties. There is an arbitration clause in the tender document. The allotment of work, arbitration clause in the tender document and service of notice under Section 21 of 1996 Act is not disputed.

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3. Reply filed by 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 he leaves it to this Court to make appointment of an independent Arbitrator. However, he prays that respondent may be permitted to raise question of limitation/maintainability before the Arbitral Tribunal.

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. S.P. Singh, District & Sessions Judge (Retd.). residing at House No. 151, Tribune Mitra Vihar, Sector 29, Panchkula, Mobile No.9416876888 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 her 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.



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10. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas including issue of limitation/maintainability 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. S.P. Singh.

(JAGMOHAN BANSAL)
JUDGE

01.10.2024
Mohit Kumar

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