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

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Date of Decision: 05.12.2024

FCC Clutch India Private Limited

...Applicant

Versus

M/s Empr Services Private Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Vikas Arora, Advocate for the applicant
(*through video conferencing*)

Mr. Navmohit Singh, 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 01.01.2016 (Annexure P-1). Thereafter, addendum dated 01.07.2017 was entered into between the parties. A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The execution of agreement & addendum, arbitration clause in the agreement and service of notice under Section 21 of 1996 Act is not disputed.

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3. Learned counsel for the respondents submits that respondent's liability is not more than ₹20 Lakhs and the applicant has unnecessarily enhanced its claim and created the litigation. There was settlement between the parties subsequent to execution of agreement. On account of execution of settlement deed, the arbitration agreement lost its significance.

4. The issue raised by learned counsel for the respondent needs to be adjudicated by the Arbitral Tribunal especially when there is no dispute with respect to the arbitration clause in the original agreement.

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. Dr. J.R. Chauhan, District & Sessions Judge (Retd.), residing at House No.1827, Sector 52, Gurugram- 122003, Mobile No.9813900079 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.



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9. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 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 Dr. J.R. Chauhan.

(JAGMOHAN BANSAL)
JUDGE

05.12.2024
Mohit Kumar

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