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

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ARB-176-2024

Date of Decision: 19.12.2024

SM Builders and Developers

...Applicant

Versus

Rajesh Bansal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Viren Sibal, Advocate for the applicant

Mr. R.P. Saini, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.

2. The parties entered into a License Agreement dated 24.04.2008 (Annexure A-1). Thereafter, from time to time, supplementary agreements (Annexure A-2 to A-6) were also executed between the parties. A dispute erupted between the parties. There is an arbitration clause in the License Agreement. The execution of License Agreement, arbitration clause therein and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned counsel for the parties concede that instead of Arbitral Tribunal comprising of three members, a Sole Arbitrator may be appointed.

4. 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.

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5. Justice Dr. Vineet Kothari, Former Acting Chief Justice of Gujarat High Court, residing at D-1203, Wembley Estate Rosewood City, Sector 50, Gurugram- 122018, Mobile No. 9480822552 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.

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

7. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

8. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

9. 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.

10. A request letter along with copy of this order be sent to Justice Dr. Vineet Kothari.

(JAGMOHAN BANSAL)
JUDGE

19.12.2024*Mohit Kumar*

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