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

284

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Date of Decision: 06.08.2024

M/s Raj Kumar Gupta

...Applicant

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Anand Vardhan Khanna, Advocate for the applicant

Ms. Puneeta Sethi, Senior Panel Counsel for Union of India
and Mr. Yashodev Singh Thakur, 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. The parties entered into contract. There is an arbitration clause in the aforesaid contract. The parties are neither disputing existence of contract nor arbitration clause.

3. The applicant, in terms of Section 21 of 1996 Act, served notice dated 28.04.2021 (Annexure P-6) as well as subsequent reminders upon the respondent.



4. Learned counsel for the respondent submits that applicant served notice under Section 21 of 1996, however, it was not signed by the proprietor whereas it was signed by an authorized signatory.

5. The applicant served notice dated 28.04.2021 which was followed by letter dated 15.12.2021. The respondent in reply to aforesaid letters directed the applicant to submit 8 copies of agreement for appointment of arbitrator. It means respondent accepted aforesaid letters of applicant. It appears that respondent just to delay the matter, at this stage, is raising this objection.

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. Mr. Ramesh Kumar Singla, Former Chief Engineer, Public Health Engineering Department, Haryana, residing at Flat No.102, HEWO Apartments, Plot No.GH-2, Sector 6, MDC, Panchkula- 134114, Mobile No.9417139778, is appointed as an 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.



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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 Act.

11. Needless to mention, parties will 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 Mr. Ramesh Kumar Singla, Former Chief Engineer, Public Health Engineering Department, Haryana.

(JAGMOHAN BANSAL)
JUDGE

06.08.2024*Mohit Kumar*

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