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

267

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Date of Decision: 27.08.2024

M/s Vimal Advertisers

...Applicant

Versus

Senior Divisional Commercial Manager/Coaching, Northern Railway

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Alok Mittal, Advocate and
Mr. Sylvester, Advocate for the applicant
Mr. Chander Mohan Sharma, Senior Panel Counsel
for Union of India-respondent

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 agreement dated 30.01.2020 (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 respondent pointing out Clause 33 of agreement submits that all disputes are subject to jurisdiction of Delhi High



Court, thus, this Court has no jurisdiction to make appointment of an Arbitrator under Section 11(6) of 1996 Act.

4. Learned counsel for the applicant submits that agreement was signed and executed at Sonapat and as per Clause 30 (4) of the agreement, the place where agreement has been signed and executed shall be the venue of arbitration.

5. The agreement was concededly signed at Sonapat and the work was to be executed within the State of Haryana. The cause of action has arisen within jurisdiction of this Court.

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. Ved Pal Gupta, Additional District & Sessions Judge (Retd.), residing at Flat No.1002, Plot No.2, Raj Vilas Society, Sector 52 (opposite Tau Devi Lal Botanical Garden), Gurugram, Mobile No.8930333666 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.

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 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.

12. A request letter along with copy of this order be sent to Mr. Ved Pal Gupta, Additional District & Sessions Judge (Retd.).

(JAGMOHAN BANSAL)
JUDGE

27.08.2024
Mohit Kumar

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