



ARB-403-2023 (O&amp;M)

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

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ARB-403-2023 (O&M)  
Date of Decision: 27.09.2024

CJDARCL Logistics Limited

...Applicant

**Versus**

**Deputy Chief Manager/Depot, Patiala Locomotive Works, Patiala and  
another**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Rose Gupta, Advocate  
and Ms. Garima Modi, Advocate for the applicant  
  
Mr. Vikram Bajaj, Senior Panel Counsel  
for Union of India-respondents  
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**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 16.08.2019 (Annexure P-1). A dispute erupted between the parties. There is an arbitration clause in the General Conditions of Contract. The execution of agreement, arbitration clause in General Conditions of Contract and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned counsel for the respondent while opposing the prayer of the applicant submits that there is no pending dispute between the parties, thus, there is no question of appointment of an Arbitrator.



4. Learned counsel for the applicant submits that there is dispute between the parties and this Court cannot decide whether there is dispute between the parties or not. Indisputably, there is an arbitration clause in the 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. Neha Awasthi, Advocate residing at House No.1027, Sector 11-C, Chandigarh- 160011, Mobile No.9878100632 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.

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. Pending application(s), if any, shall stand disposed of.



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12. A request letter along with copy of this order be sent to Dr. Neha Awasthi, Advocate.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**27.09.2024**  
*Mohit Kumar*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |