



ARB-206-2023

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

ARB-206-2023

Date of decision:-09.05.2024

M/s Bollhoff Fastenings Pvt. Ltd.

...Petitioner

Versus

Kuldip Verma

...Respondent

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present** : Mr.Jagdeep Singh Rana, Advocate
for the petitioner.Mr.R.S. Saini, Advocate
for the respondent.

SUVIR SEHGAL, J.(ORAL)

1. By way of instant petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for short "the Act"), petitioner has approached this Court for appointment of an Arbitrator to adjudicate the dispute between the parties arising out of agreement 31.07.2015.

2. Counsel for the petitioner submits that Clause 34 of agreement, Annexure P1, provides for resolution of dispute through the medium of arbitration. He submits that the dispute has arisen as the security deposit given by the petitioner to the respondent was not returned by him. Petitioner filed a civil suit under Order 37 CPC for recovery of Rs.18 lakhs and after the respondent filed an application under Section 8 of the Act for referring the matter to an arbitrator for



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adjudication, petitioner withdrew the civil suit. He submits that before instituting the present petition, petitioner served a legal notice dated 06.02.2023, Annexure P6, invoking the arbitration clause, which has remained unresponded. Upon notice, respondent has put in appearance and filed a reply contesting the petition.

3. I have heard counsel for the parties and considered their respective submissions.

4. From a perusal of the documents placed on record, it is evident that a dispute has arisen between the parties. The very fact that the respondent had moved an application before the trial Court for referring the dispute to an arbitrator debars him from raising any objection to the present petition. Therefore, the prayer made in the petition deserves to be acceded to.

5. Accordingly, petition is allowed. Sh. Shri Krishan Kaushik, District & Sessions Judge (Retd.), r/o House No. 1118, Sector 46, Gurugram, Haryana, M: 9599499060, is appointed as the sole Arbitrator to adjudicate the dispute between the parties, subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to adjudicate the dispute between the parties.

6. Parties are directed to appear before the Arbitrator on 31.05.2024 at 11:00 A.M. at the address mentioned above or at any other place to be fixed by the Arbitrator.

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



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8. Needless to mention that all the questions arising between the parties in this matter will remain open for determination in the arbitration proceedings, and any observation made hereinabove will not be binding on the Arbitrator.

9. Copy of the order be sent to the appointed Arbitrator.

09.05.2024

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

(SUVIR SEHGAL)
JUDGE