



ARB-233-2024

-1-

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

285

ARB-233-2024

Date of Decision: 11.09.2024

NBY Construction Private Limited

...Applicant

Versus

Municipal Corporation, Gurugram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Gaurav Arora, Advocate for the applicant

Mr. Prateek Mahajan, Advocate and

Mr. Vasu Gupta, Advocate for the respondents

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 applicant was allotted work by the respondent. Thereafter, an agreement was executed between the parties. There is an arbitration clause in agreement. The execution of agreement, arbitration clause in the agreement and service of notice under Section 21 of 1996 Act is not disputed.

3. Reply filed on behalf of the respondents is taken on record.

Registry is directed to tag the same at an appropriate place.

**ARB-233-2024****-2-**

4. Learned counsel for the respondent submits that as per arbitration clause, the applicant has to make pre-deposit of 7.5% of the claimed amount.
5. The applicant, as agreed during the course of hearing, shall make deposit of aforesaid amount, however, it is made clear that this Court is not advertent with the question of legality of condition of pre-deposit.
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. Justice Virendra Vikram Singh, Retired Judge of Allahabad High Court, residing at Flat No.E-803, Park View City-2, Sector 49, Sohna Road, Gurugram- 122018, Mobile No.8004928584 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.
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.



ARB-233-2024

-3-

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. Justice Virendra Vikram Singh.

(JAGMOHAN BANSAL)
JUDGE

11.09.2024
Mohit Kumar

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