

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

264

ARB-242-2024

Date of Decision: 16.12.2024

M/s Escorts Kubota Limited

...Applicant

Versus

M/s Masum Trading and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Ms. Geeta Gulati, Advocate for the applicant

Mr. Ritesh Tomar, 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 parties entered into an agreement dated 24.09.2021 (Annexure P-1). A dispute erupted between the parties. 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 the respondents submits that he leaves it to this Court to make appointment of an independent Arbitrator.

4. 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.

5. Mr. Justice K.C. Puri, Retired Judge of this Court, residing at #495, Destate Foothills, New Punjab Judicial Officers Housing Building Co-operative Society Limited, Mullanpur Garibdass, New Chandigarh, Mohali, Mobile No.6239744485 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.

6. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

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

8. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

9. 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.

10. A request letter along with copy of this order be sent to Mr. Justice K.C. Puri.

(JAGMOHAN BANSAL)
JUDGE

16.12.2024
Mohit Kumar

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