



ARB-251-2024 (O&M)

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

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ARB-251-2024 (O&M)
Date of Decision: 02.12.2024

M/s RPD Promoters Private Limited

...Applicant

Versus

Vijay and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Nirmal Preet Singh Hira, Advocate for the applicant
(*through video conferencing*)

Mr. Abhishek Jindal, Advocate and
Mr. Mithun, 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. Collaboration Agreement dated 28.10.2016 (Annexure A-1) was executed between the parties. A dispute erupted between the parties. There is an arbitration clause in the agreement. The execution of agreement, arbitration clause in agreement and service of notice under Section 21 of 1996 Act is not disputed.



3. Learned counsel for the respondents submits that the agreement was executed on 28.10.2016 and security was forfeited on 28.10.2020, thus, claim of the applicant is time barred. The applicant is claiming possession of land. It failed to get CLU and other permissions from competent authorities, thus, possession was not handed over by the respondents.

4. The questions raised by the respondents need to be answered by Arbitral Tribunal. This Court cannot express opinion on the issues raised by the respondents especially when the claim of the applicant does not seem to be deadwood.

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. Mr. Justice Harbans Lal, Retired Judge of this Court, residing at H.No. 503, Lane No. 9/ N-1, I.A.S/ P.C.S Officers Colony, Mullanpur, New Chandigarh, Phase I, District S.A.S. Nagar (Mohali). Mobile No.7508011577 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 his convenience.

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8. As conceded by learned counsel for the parties the venue/seat of the Arbitral Tribunal shall be Gurugram.

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 1996 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. Pending application(s), if any, shall stand disposed of.

13. A request letter along with copy of this order be sent to Mr. Justice Harbans Lal.

(JAGMOHAN BANSAL)
JUDGE

02.12.2024*Mohit Kumar*

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