



ARB-254-2024

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

251

ARB-254-2024

Date of Decision: 06.09.2024

Commando Caterers Private Limited**...Applicant**

Versus

Chandigarh Industrial and Tourism Development Corporation Limited**...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Gurmohan Singh Bedi, Advocate,
Mr. Pawandeep Singh, Advocate and
Mr. Rahul Rohilla, Advocate for the applicant

Ms. Madhu Dayal, Advocate and
Mr. Prince Pushpinder Rana, Advocate for the respondent

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. Pursuant to advertisement dated 24.11.2021, the applicant was allotted premises vide allotment letter dated 22.06.2022 (Annexure P-1) by the respondent at monthly license fee. A dispute erupted between the parties. There is an arbitration clause in the aforesaid allotment letter. The allotment letter, arbitration clause in the allotment letter and service of notice under Section 21 of 1996 Act is not disputed.



3. As per the allotment letter dated 22.06.2022, the Managing Director, CITCO would be the Sole Arbitrator.

4. Learned counsel for the applicant submits that Managing Director of CITCO cannot be an independent person, thus, this Court may appoint an independent person.

5. Learned counsel for the respondent submits that he leaves to this Court to make appointment of a Sole Arbitrator.

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 Vivek Puri, Retired Judge of this Court, residing at House No. 237, Sector 16-A, Chandigarh, Mobile No. 8558800190 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.

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 Vivek Puri.

(JAGMOHAN BANSAL)

JUDGE

06.09.2024

Mohit Kumar

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