



ARB-261-2024

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

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Date of Decision: 12.09.2024

DG Raj Highway Services

...Applicant

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Adhiraj Bhandari, Advocate
for Mr. Jagtej Singh Kang, Advocate for the applicant
Mr. Brijeshwar Singh Kanwar, Senior Panel Counsel
for Union of India-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, the applicant entered into an agreement dated 02.02.2024 (Annexure P-2) with the respondent. 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.

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3. Learned counsel for the respondent submits that the applicant was supposed to approach the authorities and thereafter, could seek appointment of an Arbitrator.

4. The respondent issued a show cause notice to the applicant which was duly replied by it. The application under Section 9 of 1996 Act has also been filed before jurisdictional Civil Court.

5. In these circumstances, this Court does not find that the applicant has not followed procedure as contemplated in arbitration clause before approaching this Court.

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

12.09.2024

Mohit Kumar

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