



ARB-294-2022

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

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Date of Decision: 05.08.2024

M/s Numerous Builders Private Limited**...Applicant**

Versus

M/s M S Construction and another**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Lajpat Sharma, Advocate for the applicant

Mr. Nitin Thathai, Advocate for respondent No.2
(*through Video Conferencing*)

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 entered into agreement dated 07.09.2021 (Annexure P-1) with the respondent. There is an arbitration clause in the aforesaid agreement. The applicant, in terms of Section 21 of 1996 Act, served notice dated 10.06.2022 (Annexure P-4) upon the respondents. The respondents did not act upon the said notice within the prescribed period.

3. Mr. Nitin Thathai, Advocate submits that as per his instructions, he cannot appear on behalf of respondent No.1. He further submits that

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respondent No.2 is not a signatory to the agreement and may be granted liberty to raise this issue before the Arbitrator, if any appointed by this Court.

4. As noticed in order dated 20.12.2023, respondent No.1 stands served, however, it has chosen not to appear.

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. Arun Kumar Singal, District & Sessions Judge (Retd.), residing at #A-61, Second Floor, Palladians, Near Baani Square, Sector 47, Gurugram, Haryana, Mobile No.9991743666, is appointed as an 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.

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

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

10. Needless to mention, parties will 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.



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11. A request letter along with copy of this order be sent to Mr. Arun Kumar Singal, District & Sessions Judge (Retd.).

(JAGMOHAN BANSAL)
JUDGE

05.08.2024
Mohit Kumar

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