



ARB-156-2022 (O&M)

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

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ARB-156-2022 (O&M)
Date of Decision: 09.09.2024

M/s ABW Suncity

...Applicant

Versus

Tilak Raj Mehra and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Yaseen Sethi, Advocate
for Mr. Himanshu Gupta, Advocate for applicant

Ms. Ridhi Bansal, Advocate,
Ms. Sidhi Bansal, Advocate and
Mr. Sunny Joneja, 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 agreement 28.12.2010 (Annexure P-2). 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. Written Statement filed by the respondents is taken on record. Registry is directed to tag the same at an appropriate place.

4. Learned counsel for the respondents claims that applicant is a partnership firm and its one partner has already been declared insolvent by National Company Law Tribunal, thus, present application is not



maintainable. She, however, submits that if the matter is referred to an Arbitrator, the fee of the Arbitrator to be paid by the respondents may be taken care of.

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. The question of existence of applicant and its right to pursue litigation needs to be examined by the Arbitrator.

6. Mr. S.C. Goyal, District & Sessions Judge (Retd.), residing at Flat No.204, Tower 2, Malibu Town, Sector 47, Sohna Road, Gurugram Mobile No.9813204570 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.

8. The Arbitrator is entitled to fee in accordance with the Fourth Schedule of the Act, as amended, however, he, in view of large number of respondents, is requested to take care of fee to be charged from the respondents.

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 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.



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11. Pending application(s), if any, shall stand disposed of.
12. A request letter along with copy of this order be sent to Mr. S.C. Goyal.

(JAGMOHAN BANSAL)
JUDGE

09.09.2024
Mohit Kumar

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