



ARB-314-2023 & ARB-318-2023

-1-

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

271+272

ARB-314-2023

Date of Decision: 27.08.2024

Aryan Infraheight Developers Private Limited

...Applicant

Versus

Hans Propcon Private Limited

...Respondent

And

ARB-318-2023

Aryan Infraheight Private Limited

...Applicant

Versus

Hans Propcon Private Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. Gagandeep Singh, Advocate for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the above captioned applications, with the consent both sides, the captioned applications are



hereby disposed of by this common order. The facts for the sake of brevity and convenience are borrowed from *ARB-314-2023*.

2. Through instant application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.

3. Learned counsel for the respondent submits that as per procedure, the respondent has to suggest name of two persons and applicant has to choose one out of them.

4. Learned counsel for the applicant submits that on the asking of applicant, the respondent suggested two names and out of them one has passed away. Thereafter, the respondent has not taken any effective step to resolve the issue, thus, this Court may appoint a Sole Arbitrator.

5. The parties entered into agreement dated 10.05.2022 (Annexure P-1). There is an arbitration clause in the contract document. The execution of agreement, arbitration clause in the contract document and service of notice under Section 21 of 1996 Act is not disputed.

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 Vinod Goel, Former Judge of Delhi High Court, residing at D6 Ground Floor, Green Park Main, New Delhi- 110016, Mobile No.9910384637 is hereby appointed as a Sole Arbitrator to adjudicate the

**ARB-314-2023 & ARB-318-2023****-3-**

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 Vinod Goel.

(JAGMOHAN BANSAL)
JUDGE

27.08.2024*Mohit Kumar*

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