



ARB-309-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

265-2.

ARB-309-2023

Date of decision:22.05.2024

M/S THAKUR SATISH KUMAR TRANSPORTER

...PETITIONER

VS.

THE INDIAN OIL CORPORATION LTD. & ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ramesh Sharma, Advocate
for the petitioner.

Mr. Ashish Kapoor, Advocate
for the respondents.

SUVIR SEHGAL J. (ORAL)

1. By way of present petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, (for short “the Act”), petitioner has approached this Court for appointment of an Arbitrator to settle the dispute which has arisen between the parties.

2. In the response filed by the respondents, the contract agreement as well as arbitration clause No.79 have been admitted. The sole objection taken by the respondents is that the claim is *ex-facie* time barred.

3. I have heard counsel for the parties and considered their respective submissions.



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4. As the material averments stand admitted, the prayer made in the petition deserves to be accepted. The issue of limitation, which concerns the admissibility of the claim has to be determined by the Arbitrator as has been held by the Supreme Court in **Bharat Sanchar Nigam Ltd. and another Versus M/s Nortel Networks India Pvt. Ltd. (2021) 5 SCC 738.**
5. Petition is allowed. Mr. Justice (Retd.) Darshan Singh, a former judge of this Court, H.No.56, Sector 16-A, Chandigarh, Mobile No.08558809940, is requested to act as a sole Arbitrator to adjudicate the dispute between the parties.
6. Parties are directed to appear before the learned Arbitrator on a day, time and place to be communicated by him.
7. Liberty is granted to the parties to raise all claims, counter claims, defences, pleas etc. before the Arbitrator.
8. Needless to mention that all the questions arising between the parties in this matter shall remain open for determination in the arbitral proceedings and any observation made hereinabove will not be binding on the learned Arbitrator.
9. A request letter alongwith a copy of this order be sent to Mr. Justice (Retd.) Darshan Singh.

22.05.2024
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No