



ARB-336-2023

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

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Date of Decision: 31.07.2024

Jyoti Sagar

...Applicant

Versus

A.P. Sanwaria

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. Siddharth Sanwaria, Advocate for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. 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.

2. The respondent herein, in terms of agreement dated 20.03.2017 (Annexure P-1), sent notice dated 20.04.2023 (Annexure P-7) proposing appointment of an arbitrator. The respondent did not get response from the applicant and made appointment of an Arbitrator.

3. The applicant submits that appointment of Arbitrator was an unilateral act of respondent. This Court may make appointment of an independent sole Arbitrator at a neutral place.

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4. Learned counsel for the respondent submits that he leaves to this Court to make appointment of an Arbitrator and already appointed Arbitrator by the respondent may be ignored.

5. There is an arbitration clause in the aforesaid agreement. The parties are neither disputing existence of agreement nor arbitration clause.

6. Conditions to invoke power conferred by Section 11 of 1996 Act stand satisfied, thus, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

7. Mr. Justice (Retd.) Virender Singh (former Chief Justice), residing at House No.233, Sector 11A, Chandigarh, Mobile No.09431115601, is requested to act 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.

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 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.
12. A request letter along with copy of this order be sent to Mr. Justice (Retd.) Virender Singh (former Chief Justice).

(JAGMOHAN BANSAL)

JUDGE

31.07.2024

Mohit Kumar

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