



ARB-365-2022 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

276

ARB-365-2022 (O&M)

Date of Decision: 11.12.2024

M/s Sky High Dinner LLP (SHD)

...Applicant

Versus

Commando Caterers Private Limited

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Arjun Sheoran, Advocate,
Mr. Tejasvi Sheokand, Advocate and
Mr. Rohan Gupta, Advocate for the applicant
Mr. Gurmohan Singh Bedi, 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 parties entered into Franchisee Agreement/Memorandum of Understanding dated 31.03.2016 (Annexure P-1). A dispute erupted between the parties. 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. Learned counsel for the respondent submits that subject to permission to respondent to raise all issues before Arbitrator this Court may appoint an independent Arbitrator.

4. 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.



5. Ms. Justice Ritu Bahri, Former Chief Justice of Uttarakhand High Court, residing at House No.464, I.A.S./P.C.S. Officers Society, Mullanpur, New Chandigarh, District S.A.S. Nagar Mohali, Mobile No.7837049200 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.
6. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at her convenience.
7. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.
8. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.
9. 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.
10. Pending application(s), if any, shall stand disposed of.
11. A request letter along with copy of this order be sent to Ms. Justice Ritu Bahri.

(JAGMOHAN BANSAL)
JUDGE

11.12.2024

Mohit Kumar

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