



ARB-219-2020 (O&amp;M)

-1-

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

245

ARB-219-2020 (O&M)  
Date of Decision: 20.11.2024

M/s Novas Commercial Private Limited and others

...Applicants

**Versus**

M/s One Mobikwik Systems Private Limited and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Dinesh Nagar, Advocate and  
Mr. Harish Bansal, Advocate for the applicants  
  
Mr. Gaurav Chopra, Senior Advocate with  
Mr. Sumit Roy, Advocate and  
Ms. Devanshi Sharma, Advocate for the respondents  
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**JAGMOHAN BANSAL, J. (Oral)**

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

2. The applicant along with co-owners of the land entered into lease deed 30.06.2018 with the respondent. The respondent is paying rent separately to the applicant as well as co-owners. On account of dispute between the parties, co-owner approached this Court for appointment of an Arbitrator. This Court vide order dated 13.10.2020 passed in *ARB-153-2020* appointed an Arbitrator.



3. Mr. Gaurav Chopra, Senior Advocate, at the first instance, raised an objection with respect to invocation of arbitration clause on the ground that with respect to same lease deed, this Court has already made appointment of an Arbitrator, thus, another Arbitrator cannot be appointed. However, on being pointed out by this Court that separate payment has been made to two different owners, he submits that a Retired Judge of this Court may be appointed as an Arbitrator and the applicant may be granted liberty to raise all issues before the Arbitral Tribunal.

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. Mr. Justice Rakesh Kumar Garg, Retired Judge of this Court, residing at House No.417, Sector 35-A, Chandigarh, Mobile No.9780008133 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 his 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.

**ARB-219-2020 (O&M)****-3-**

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. A request letter along with copy of this order be sent to Mr. Justice Rakesh Kumar Garg.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**20.11.2024***Mohit Kumar*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |