

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

271

ARB-380-2024

Date of Decision: 11.12.2024

M/s Maven Realty Private Limited

...Applicant

Versus

Suresh Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Satvik Bansal, Advocate and
Mr. Ishaan Mundeja, Advocate,
for Mr. Amitabh Tewari, Advocate the applicant

Mr. P.K. Chugh, Advocate for respondent No.1

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.

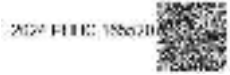
2. The parties entered into Collaboration Agreement dated 09.12.2011 (Annexure P-1). A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The execution of agreement, arbitration clause in the agreement and service of notice under Section 21 of 1996 Act is not disputed.

3. Reply filed by respondent No.1 is taken on record. Registry is directed to tag the same at an appropriate place.

4. Learned counsel for respondent No.1 submits that claim of the applicant is barred by limitation. It is nothing more than a deadwood.

5. The GPA executed by respondent was cancelled in 2019, thus, this Court, at this stage, cannot conclude that claim of the applicant is a

deadwood. The question of limitation needs to be adjudicated by Arbitrator.



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. Justice Dr. Vineet Kothari, Former Acting Chief Justice of Gujarat High Court, residing at D-1203, Wembley Estate Rosewood City, Sector 50, Gurugram- 122018, Mobile No. 9480822552 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.
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 1996 Act.
11. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas including issue of limitation 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 Justice Dr. Vineet Kothari.

(JAGMOHAN BANSAL)
JUDGE

11.12.2024
Mohit Kumar

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