



ARB-382-2024

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

267

ARB-382-2024

Date of Decision: 16.12.2024

M/s Ramesh Kumar Mittal

...Applicant

Versus

M/s Bharat Sanchar Nigam Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Ravinder Singh Viridi, Advocate,
Mr. Gaurav Sharma, Advocate and
Mr. Satvinder Singh, Advocate for the applicant
Ms. Anita Sharma, Advocate for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.

2. Pursuant to tender, the bid of the applicant was accepted. Thereafter, an agreement dated 01.04.2023 (Annexure P-1) was executed between the parties. A dispute erupted between the parties. There is an arbitration clause in the tender agreement. The execution of agreement, arbitration clause in the tender document and service of notice under Section 21 of 1996 Act is not disputed.

3. Reply filed by the respondents is taken on record. Registry is directed to tag the same at an appropriate place.

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4. Learned counsel for the respondent submits that respondent has deducted a sum of ₹51 Lakhs from the invoices of the applicant on account of theft. The amount has been rightly deducted, thus, there is no question of appointment of Arbitral Tribunal.

5. The issue raised by the respondents needs to be answered by Arbitral Tribunal.

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. Mr. Sanjeev Kumar Garg, District & Sessions Judge (Retd.), resident of H.No.518, IAS/PCS Society, Mullanpur, New Chandigarh, Mobile No.7626900060 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 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. Sanjeev Kumar Garg.

(JAGMOHAN BANSAL)
JUDGE

16.12.2024
Mohit Kumar

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