

**ARB-461-2024 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****277****ARB-461-2024 (O&M)****Date of Decision: 10.12.2024****M/s Superlink Traders and Power Engineers****...Applicant****Versus****Thapar Institute of Engineering & Technology and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL****Present: - Mr. Anil Sharma, Advocate for the applicant****Mr. Rajat Khanna, Advocate,****Mr. Vijay Pratap Singh, Advocate,****Mr. Balwan Singh, Advocate and****Mr. Vishal Saini, Advocate for the respondents***********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. The applicant was issued LOI dated 23.05.2019 (Annexure A-1) by the respondent. Thereafter, work order dated 18.06.2019 (Annexure A-2) and amended work order dated 22.08.2019 (Annexure A-3) was issued by the respondent to the applicant. A dispute erupted between the parties. There is an arbitration clause in work order dated 18.06.2019. The issuance of LOI & work orders, arbitration clause in work order dated 18.06.2019 and service of notice under Section 21 of 1996 Act is not disputed.



3. Learned counsel for the respondents submits that there are other parties which are involved, however, they have not been impleaded. He further submits that he leaves it to this Court to make appointment of an independent Arbitrator.

4. The objection raised by the respondents needs to be adjudicated by the Arbitrator.

5. 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.

6. Mr. J.S. Klar, District & Sessions Judge (Retd.), residing at House No.210, Manjit Nagar, Bhadson Road, Patiala, Mobile No.9779568636 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.

7. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

8. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

9. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

10. 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.



11. Pending application(s), if any, shall stand disposed of.
12. A request letter along with copy of this order be sent to
Mr. J.S. Klar.

(JAGMOHAN BANSAL)
JUDGE

10.12.2024
Mohit Kumar

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