



ARB-428-2023 (O&M)

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

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ARB-428-2023 (O&M)
Date of Decision: 14.10.2024

Coach Line Industries and another

...Applicants

Versus

Modern Coach Factory

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. R.S. Athwal, Advocate for the applicants

Mr. Jagjot Singh Lalli, 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 applicants are seeking appointment of an Arbitrator.

2. Pursuant to tender, the applicants were awarded work by the respondent. A dispute erupted between the parties. There is an arbitration clause in General Conditions of Contract dated 16.07.2020 and Tender Document dated 07.10.2021. The allotment of work, arbitration clause in General Conditions of Contract & Tender Document and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned counsel for the respondent submits that he leaves it to this Court to make appointment of 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.

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5. Mr. Jasvir Singh Kang, Retd. Additional District and Sessions Judge, residing at House No.72, Street No.4, Guru Gobind Singh Nagar, Near Prithvi Planet, Jalandhar- 144003, Mobile Nos.9815402125, 8558830018 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.

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 also stand disposed of.

11. A request letter along with copy of this order be sent to Mr. Jasvir Singh Kang.

(JAGMOHAN BANSAL)
JUDGE

14.10.2024
Mohit Kumar

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