



ARB-438-2023

-1-

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

290/2

ARB-438-2023

Date of Decision: 15.10.2024

M/s Sukhmani Megastructure Private Limited

...Applicant

Versus

Union Territory Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Tejinderbir Singh, Advocate for the applicant

Mr. Edward Augustine George, Advocate
for Mr. Gagandeep Singh Wasu, Advocate for 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 allotted work vide letter dated 18.11.2013 by the respondent. An agreement was also entered into between the parties. A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The allotment of work, execution of agreement, arbitration clause in agreement and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned counsel for the respondents 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.

**ARB-438-2023****-2-**

5. Mr. Justice Jaswant Singh, Chief Justice (Retd.) from Tripura High Court, residing at House No.197, Sector 19-A, Chandigarh- 160019, Mobile No.9780008136 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. A request letter along with copy of this order be sent to Mr. Justice Jaswant Singh, Chief Justice (Retd.) from Tripura High Court.

(JAGMOHAN BANSAL)
JUDGE

15.10.2024*Mohit Kumar*

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