

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

256

ARB-433-2023

Date of Decision: 12.12.2024

Kushal Kumar

...Applicant

Versus

M/s K.K. Hospitalities and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Vishal Gupta, Advocate for the applicant

Ms. Ridhi Bansal, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

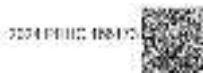
1. Through instant application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.

2. The parties entered into partnership deed dated 16.09.2016 (Annexure P-1). A dispute erupted between the parties. There is an arbitration clause in the aforesaid deed. The execution of partnership deed, arbitration clause therein and service of notice under Section 21 of 1996 Act is not disputed.

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

4. Learned counsel for the respondents submits that there is dispute between the partners with respect to assets and liabilities of the firm. Despite submitting accounts statements, the applicant is not reconciling the matter.

5. This Court while exercising powers under Section 11(6) of 1996 Act cannot adjudicate question of assets and liabilities of the firm vis-



à-vis rights of partners. These questions need to be answered by the 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. Satvinder Singh, District & Sessions Judge (Retd.), residing at House No.390, IAS-PCS Society, Mullanpur, New Chandigarh, District S.A.S. Nagar, Mohali-140901, Mobile No.9877979433 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. Satvinder Singh.

(JAGMOHAN BANSAL)
JUDGE

12.12.2024
Mohit Kumar

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