



ARB-437-2023

-1-

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

263

ARB-437-2023

Date of Decision: 31.07.2024

M/s Ketan Food Products

...Applicant

Versus

M/s Akash Brothers

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Akshit Chaudhary, Advocate for the applicant
Mr. Pawandeep Singh, Advocate,
Mr. Arsadvveer Singh, Advocate and
Mr. Anand V. Khanna, 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. The parties entered into Agreement dated 26.11.2020 (Annexure P-1). There is an arbitration clause in the agreement. The parties are neither disputing existence of agreement nor arbitration clause.
3. Learned counsel for the respondent submits that agreement was signed by partner of the respondent, however, it was stamped later on. This aspect needs to be examined.

**ARB-437-2023****-2-**

4. The applicant, in terms of Section 21 of 1996 Act, served notice dated 24.07.2023 (Annexure P-9) upon the respondent. The respondent did not act upon the said notice within the prescribed period.

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. Justice (Retd.) Harinder Singh Madaan, residing at House No. 499, The Foot Hills, IAS/PCS Officers Society, New Chandigarh 140901, Mobile No. 8558809915 is requested to act an 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 Act.

10. Needless to mention, parties will be at liberty to raise all the claims/defences/counter claims/pleas including stamping of agreement before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.



11. A request letter along with copy of this order be sent to Mr. Justice (Retd.) Harminder Singh Madaan.

(JAGMOHAN BANSAL)
JUDGE

31.07.2024
Mohit Kumar

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