



ARB-462-2023 (O&M)

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

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ARB-462-2023 (O&M)
Date of Decision: 16.09.2024

M/s Kinetic Hyundai Elevator and Movement Technologies Limited

...Applicant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sandeep Sachdeva, Advocate for the applicant

Ms. Harsh Rekha Kapoor, Assistant Advocate General, Haryana

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. Pursuant to a tender, the bid of the applicant was accepted by the respondent vide letter dated 24.05.2021 (Annexure P-1), and work order was issued to the applicant. A dispute erupted between the parties. There is an arbitration clause in the General Conditions of Contract. The allotment of work, arbitration clause in the General Conditions of Contract and service of demand notice is not disputed.



3. Learned counsel for the applicant submits that in terms of agreement executed between the parties, the applicant would deposit 2% of the claimed amount within four weeks from today.

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.

5. Dr. J.R. Chauhan, District & Sessions Judge (Retd.), residing at House No.1827, Sector 52, Gurugram- 122003, Mobile No.9813900079 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 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 stand disposed of.

11. A request letter along with copy of this order be sent to Dr. J.R. Chauhan.

(JAGMOHAN BANSAL)
JUDGE

16.09.2024
Mohit Kumar

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