



ARB-542-2023 (O&M)

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

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ARB-542-2023 (O&M)

Date of Decision: 11.12.2024

Lakshya Digital Private Limited

...Applicant

Versus

Hillwalk Designs Private Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Pankaj Bains, Advocate for the applicant

Mr. Sandeep Gulati, Director of respondent company

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 12.11.2021 (Annexure P-2). A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The execution of agreement, arbitration clause in the agreement and service of notice under Section 21 of 1996 Act is not disputed.

3. Mr. Sandeep Gulati, Director of the respondent-company submits that respondent is registered with the Ministry of Micro, Small and Medium Enterprises under Micro, Small and Medium Enterprises Development Act, 2006 (for short '**MSME Act**'), thus, the applicant should approach authorities under MSME Act.



4. In view of judgment of Bombay High Court in *Porwal Sales v. Flame Control Industries*, 2019 SCC OnLine Bom 1628 and considering the fact that respondent has not initiated proceedings under Section 18 of MSME Act, the applicant cannot be deprived to invoke jurisdiction of this Court under Section 11(6) of 1996 Act.

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. Justice Dr. Vineet Kothari, Former Acting Chief Justice of Gujarat High Court, residing at D-1203, Wembley Estate Rosewood City, Sector 50, Gurugram- 122018, Mobile No. 9480822552 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.

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 1996 Act.

10. 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.

Pending application(s), if any, shall stand disposed of.



12. A request letter along with copy of this order be sent to Justice Dr. Vineet Kothari.

(JAGMOHAN BANSAL)
JUDGE

11.12.2024
Mohit Kumar

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