



ARB-505-2023

-1-

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

274

ARB-505-2023

Date of Decision: 24.10.2024

Rajesh Kumar Kaher

...Applicant

Versus

Rakesh Kumar Kaher

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Prateek Sodhi, Advocate for the applicant

Mr. Prateek Mahajan, 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 lease deed dated 01.04.2009 (Annexure P-1). A dispute erupted between the parties. There is an arbitration clause in the lease deed. The execution of lease deed, arbitration clause in the lease deed is not disputed.

3. Learned counsel for the respondent submits that the applicant has not received notice in terms of Section 21 of the 1996 Act.

4. The applicant has annexed notice dated 31.08.2023 as Annexure P-2 along with the instant application. The said notice was sent through speed post on 31.08.2023. In view of Section 27 of the General Clauses Act, 1897, the presumption is in favour of the applicant.

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.

**ARB-505-2023****-2-**

6. Mr. Jasvir Singh Kang, Retired Additional District & Sessions Judge, residing at House No.72, Street No.4, Guru Gobind Singh Nagar, Near Prithvi Planet, Jalandhar- 144003, Mobile No.9815402125, 8558830018 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 including issue of limitation 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. Jasvir Singh Kang.

(JAGMOHAN BANSAL)
JUDGE

24.10.2024*Mohit Kumar*

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