



ARB-533-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

247

ARB-533-2024

Date of decision: 14.11.2024

HERO CYCLES LIMITED

...PETITIONER

VS.

STATE OF PUNJAB AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Munisha Gandhi, Senior Advocate with
Ms. Manveen Narang, Advocate
for the petitioner.

Mr. Brijesh, AAG, Punjab.

SUVIR SEHGAL J. (ORAL)

1. This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, (for short 'the Arbitration Act'), for appointment of an Arbitrator to adjudicate the dispute between the parties.

2. Learned senior counsel for the petitioner submits that an agreement dated 30.01.1997 and an indenture dated 06.02.1997, Annexures P-3 and P-4, respectively, were entered into between the parties. She submits that both the documents contained an identically worded arbitration clause. She submits that as some dispute arose between the parties, a notice dated 09.08.2024, Annexure P-11, was



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issued to the respondents invoking the arbitration clause and by their response dated 07.10.2024, Annexure P-14, after getting the opinion of the Advocate General, Punjab, petitioner was advised to approach the High Court.

3. Notice of the petition was issued to the respondents. Upon telephonic instructions from Mr. D.P.S. Kharbanda, IAS, State counsel submits that the respondents do not have any objection, in case, an Arbitrator be appointed.

4. Accordingly, petition is allowed. Mr. Justice (Retd.) Rakesh Kumar Garg, a former judge of this Court, H. No. 417, Sector 35-A, Chandigarh, Mobile No.09780008133, is nominated as an Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements.

5. Liberty is granted to the parties to raise all claims, counter claims, defences, pleas etc. before the Arbitrator.

6. Needless to mention that all the questions arising between the parties shall remain open for determination in the arbitral proceedings and any observation made hereinabove will not be binding on the learned Arbitrator.

7. A request letter alongwith a copy of this order be sent to Mr. Justice (Retd.) Rakesh Kumar Garg.

14.11.2024
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No