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

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Date of Decision: 16.09.2024

SS Hertz LLP

...Applicant

Versus

Mantarav Private Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. A.P.S. Sehgal, Advocate and
Mr. Aman Dutta, Advocate (*through video conferencing*)
and Mr. Karan Parmar, Advocate for the applicant
Ms. Risha Mittal, Advocate for respondent No.1
Ms. Mandeep Gujral, Advocate for respondent No.2

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 14.09.2021 (Annexure P-3). There is an arbitration clause in the aforesaid agreement.
3. Learned counsel for respondent Nos.1 and 2 submits that agreement in question was executed by Pankaj Verma on behalf of SS Hertz LLP whereas said organization came in existence after execution of the agreement. It was not signed by the applicant.



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4. Learned counsel for the applicant submits that aforesaid agreement was acted upon by the respondents. A sum of ₹ 10 Lakhs was paid to the respondents. The agreement has been duly signed by the respondents.

5. The applicant has made payment to the respondent meaning thereby the parties have acted upon the aforesaid agreement. In reply to notice, the respondent has accepted different clauses of the agreement including arbitration. Thus, *prima facie* there exists arbitration agreement. The question of existence of arbitration agreement further needs to be adjudicated by Arbitral Tribunal in terms of Section 16 of the 1996 Act.

6. 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.

7. Mr. Justice Bharat Bhushan Parsoon, Retired Judge of this Court, Office at #3116, Sector 46, Gurugram, Haryana, Mobile Nos.9416393399 & 9999688558 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.

8. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

9. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

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10. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the Act.

11. 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.

12. A request letter along with copy of this order be sent to Mr. Justice Bharat Bhushan Parsoon.

(JAGMOHAN BANSAL)
JUDGE

16.09.2024
Mohit Kumar

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