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

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Date of Decision: 18.12.2024

M/s Action Construction Equipment Limited

...Applicant

Versus

M/s Ashok Leyland Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. N.K. Manchanda, Advocate
for Mr. Shiv Kumar, Advocate for the applicant

Mr. Jasraj Singh, Advocate for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.

2. In pursuance to the purchase orders (Annexure P-1 & P-2) placed by the applicant, the respondent supplied products to the applicant. A dispute erupted between the parties. There is an arbitration clause in the purchase orders. The issuance of purchase orders, arbitration clause therein and service of notice under Section 21 of 1996 Act is not disputed.

3. The applicant is claiming that on account of lapse on the part of respondent, it has been deprived of input tax credit. The respondent is



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claiming that there was no lapse on its part and issue involved is not arbitrable.

4. Issues raised by parties need to be adjudicated by Arbitral Tribunal.

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. Mr. Gurtej Singh, Former Member VAT Appellate Tribunal, Punjab and Former Additional Excise and Taxation Commissioner, residing at House No.3382, Sector 71, Mohali, Mobile No.9698700003 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.



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11. A request letter along with copy of this order be sent to Mr. Gurtej Singh.

(JAGMOHAN BANSAL)
JUDGE

18.12.2024
Mohit Kumar

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