

Neutral Citation No. 2024:PHHC:058554

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

280

ARB-563-2023 (O&M)
Date of Decision:29.04.2024

M/S CITIZEN INDUSTRIES

... Petitioner

V/S

INSTITUTE OF NANO SCIENCE AND TECHNOLOGY,
MOHALI (INST)

.... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rishabh Gupta, Advocate for the petitioner.

Mr. Vinish Singla, Advocate for the respondent.

SUVIR SEHGAL, J. (ORAL)

1. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short ‘the Act’) for appointment of Arbitrator to adjudicate the dispute between the parties.
2. Counsel for the petitioner submits that three different purchase orders, Annexures A-1 to A-3, were placed on the petitioner for supply of laboratory furniture and accessories and for their installation. He submits that the goods were duly supplied and the petitioner raised bills. However, while making the payment, some amount was deducted on account of late delivery charges and one

invoice has remained unpaid. He submits that the petitioner has exhausted the pre-reference mechanism and sent an e-mail dated 29.03.2023, Annexure A-30 for commencement of conciliation, which was followed by a legal notice dated 05.05.2023, Annexure A-31 whereby the petitioner invoked the arbitration clause. Counsel submits reply dated 26.05.2023, Annexure A-32, was received from the respondent wherein it stated that there is no dispute between the parties.

3. Petition has been contested by the respondent by filing a reply wherein it has justified the deduction of the amount by taking a stand that the amount was withheld as there was a considerable delay in the delivery of the items and their installation.

4. I have heard counsel for the parties and have considered their respective submissions.

5. From the material on the record, it is evident that the supply orders, arbitration clause as well as notice invoking the arbitration clause have been admitted. A dispute has arisen between the parties which requires to be determined by an Arbitrator.

6. Accordingly, petition is allowed.

7. Sh. Sanjeev Kumar Garg, District & Sessions Judge, (Retd.), H. No.518, IAS/PCS Society, Mullanpur, New Chandigarh, Mobile No. 7626900060, is appointed as an Arbitrator to adjudicate the dispute between the parties subject to statutory declaration to be made by him under Section 12 of the Act.

8. Parties are directed to appear before the Arbitrator on 30.05.2024 at 11:00 am at the address mentioned above or at any other place to be fixed by the Arbitrator.
9. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.
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 will be at liberty to raise all the claims/defences/counter claims/pleas before the Arbitrator.
12. Copy of the order be sent to the appointed Arbitrator.

29.04.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

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