



ARB-95-2023 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

265

ARB-95-2023 (O&M)

Date of Decision: 23.01.2025

Amandeep Hospital

...Applicant

Versus

Ex-Servicemen Contributory Health Scheme

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Randeep Singh Rai, Senior Advocate with
Ms. Rubina Virmani, Advocate for the applicantMr. Satya Pal Jain, Additional Solicitor General of India with
Ms. Neha Sharma, Advocate for the respondent-Union of India

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 Memorandum of Understanding dated 14.05.2022 (Annexure P-2). A dispute erupted between the parties. There is an arbitration clause in the aforesaid Memorandum of Understanding. The execution of Memorandum of Understanding, arbitration clause therein and service of notice under Section 21 of 1996 Act is not disputed.

3. Mr. Satya Pal Jain, Additional Solicitor General of India expressed his inability to controvert execution of Memorandum of Understanding. He leaves it to this Court to make appointment of an independent Arbitrator.

4. 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.

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5. Ms. Justice Ritu Bahri, Chief Justice (Retd.) Uttarakhand High Court, residing at House No.464, I.A.S./P.C.S. Officers Society, Mullanpur, New Chandigarh, District S.A.S. Nagar Mohali, Mobile No.7837049200 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.

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

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

8. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

9. 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.

10. A request letter along with copy of this order be sent to Ms. Justice Ritu Bahri.

11. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

23.01.2025
Mohit Kumar

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