

**ARB-118-2023****-1-**

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

237**ARB-118-2023****Date of Decision: 17.09.2025****Deepak Tomar****...Applicant**

Versus

M/s Kiara Dream Solution Pvt. Ltd.**...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Ms. Shruti Mandhotra, Advocate
for Mr. Kunal Dawar, Advocate for the applicant
Mr. Akash Sheoran, Advocate,
Mr. Tejas Bansal, Advocate and
Mr. Sanjiv Kumar Aggarwal, 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. The parties entered into two Memorandum of Understanding dated 09.06.2017 and 28.09.2017. A dispute erupted between the parties. The applicant served notice upon the respondent seeking resolution of dispute through Arbitral Tribunal but to no avail.
3. Reply filed by the respondent is taken on record. Registry is directed to tag the same at an appropriate place.
4. Learned counsel for the respondent submits that claim of the applicant is barred by limitation as last payment was made in 2017. Memorandum of Understanding in question is unstamped. The applicant has



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also filed criminal complaint under Section 138 of Negotiable Instruments Act, 1881 (for short 'NI Act') against the respondent.

5. Filing of complaint under Section 138 of NI Act does not debar the applicant from seeking remedy of appointment of Arbitral Tribunal. The claim raised by the applicant does not *prima facie* seems to be a dead wood. The said question and other issues raised by the respondent need to be adjudicated by Arbitral Tribunal.

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. Subhash Goyal, District & Sessions Judge (Retd.), residing at House No. 4254-A, Sector 23-A, Gurugram, Mobile No. 8813888900 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. The parties at the first instance will appear before the Arbitrator on 01.10.2025 at 10:00 AM and thereafter, as directed by learned Arbitrator.

9. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 Act, as amended.

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



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12. A request letter along with copy of this order be sent to Mr. Subhash Goyal.

(JAGMOHAN BANSAL)
JUDGE

17.09.2025
Mohit Kumar

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