



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

208

ARB-243-2021 (O&M)

Date of decision: 04.04.2025

M/S ABW SUNCITY

....APPLICANT

Vs.

KULDEEP KUMAR KOHLI

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Yaseen Sethi, Advocate
for the applicant.

Mr. Arjun Chaudhary, Advocate for
Mr. Arun Singla, Advocate
for the respondent.

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 a sole Arbitrator.
2. The parties entered into agreement dated 09.04.2023 (Annexure P-2). There is an arbitration clause in the aforesaid agreement. The applicant, in terms of Section 21 of the 1996 Act, served notice dated 15.01.2020 (Annexure P-7) upon the respondent and proposed the name of Mr. M.C. Mehra as Arbitrator. However, the respondent did not agree to the aforesaid arrangement.
3. The instant application is pending before this Court since 2021. The Supreme Court vide order dated 19.05.2022 passed in ***SLP (Civil) No.5306 of 2022*** has passed directions to dispose of all pending applications under Section 11(5) and 11(6) of 1996 Act or/any other applications either for substitution of arbitrator and/or change of arbitrator, which are pending for more than one year from the date of filing, within six months from 19.05.2022.



4. The applicant is a builder who had constructed a housing society. There are several buyers of the applicant. With respect to payment of VAT at a later stage, the applicant has raised dispute with his buyers. A Coordinate Bench of this Court vide order dated 12.05.2021 passed in ***RA-CR-25-2021 in ARB-52-2021, M/s ABW Suncity v. Tarun Malik and others*** has appointed a sole Arbitrator to resolve the issue between the applicant and different buyers. The said order was challenged before Supreme Court by way of ***SLP No.11522 of 2021, Vikas Laroia and another v. M/s ABW Suncity***. The SLP stands dismissed vide order dated 13.08.2021 passed by Supreme Court.

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. S.C. Goyal, District & Sessions Judge (Retd.), residing at Flat No.204, Tower 2, Malibu Town, Sector 47, Sohna Road, Gurugram, Mobile No.9813204570 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. The parties at the first instant will appear before the Arbitrator on 18.04.2025 at 10.00 A.M. and thereafter as directed by learned Arbitrator.

8. The Arbitrator is entitled to fee in accordance with the Fourth Schedule of the Act, as amended, however, he, in view of large number of respondents and connected/similar matters, is requested to take care of quantum of fee to be charged from the respondent.

**ARB-243-2021 (O&M)****-3-**

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

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

04.04.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

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