IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

240 **ARB-159-2025**
Date of Decision: 28.07.2025

M/s Harshika Motors **…Applicant**

Versus

M/s Escort Kubota Limited **…Respondent**

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Rohit Suri, Advocate,
Mr. Sandeep Suri, Advocate and
Mr. Karan Gaba, Advocate for the applicant

Ms. Geeta Gulati, Advocate for the respondent

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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 arbitration agreement dated 21.09.2016 (Annexure P-4) which was subsequently renewed on 21.09.2020 (Annexure P-5). 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. Learned counsel for the respondent expressed her inability to controvert execution of arbitration agreement and service of notice.

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.

MOHIT KUMAR
2025.07.28 17:32
I attest to the accuracy and
integrity of this
order/judgment.

5. Mr. Justice Surinder Gupta, Former Judge of this Court, residing at H.No. 542, The Foothills Cooperative Residential Society (IAS/PCS Society), New Chandigarh, Mullanpur Mobile Nos.9646356001, 9417312323 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. The parties at the first instance will appear before the Arbitrator on 12.08.2025 at 10:00 AM and thereafter, as directed by learned Arbitrator.

7. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 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 Mr. Justice Surinder Gupta.

(JAGMOHAN BANSAL)
JUDGE

28.07.2025
Mohit Kumar

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

MOHIT KUMAR
2025.07.28 17:32
I attest to the accuracy and
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