



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

ARB-169-2023 (O&M)
Reserved on : 17.10.2025
Pronounced on : 27.10.2025

Iris Computers Ltd.

.....Applicant

Versus

Dentsu Communications India Pvt. Ltd.

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present: Mr. Munish Gupta, Advocate, for the applicant.

Mr. Sanjeev Puri, Senior Advocate (arguing counsel), with
Mr. Shushrut Garg, Advocate, and
Mr. Raghav Kapoor, Advocate, for respondent.

SHEEL NAGU, CHIEF JUSTICE

1. Instant application u/s 11 (6) of Arbitration and Conciliation Act, 1996 ('Act of 1996' for brevity), seeks appointment of Arbitrator.
2. The rival parties herein entered into agreement (Annexure P-1) containing an arbitration clause as follows :

“15. DISPUTES & JURISDICTION : All disputes between the seller and buyer arising under/pursuant to this order or relating to the price payable thereunder or any other matter relating to this order shall be settled by arbitration of a sole arbitrator appointed by the mutual consent of the seller and the buyer under and in accordance with the provisions of the Arbitration & Conciliation At, 1996.”

. Arbitration clause in agreement stipulates for appointment of sole arbitrator. On arising of dispute, after following the procedure prescribed in



arbitration clause, applicant herein, vide notice dated 22.06.2022 (Annexure P-7) issued u/s 11 (5) of Act of 1996, suggested the name of one arbitrator, i.e. Shri Mandeep Singh Vinaik, Advocate, # 334 Lawyer's Chambers, Delhi High Court. In response, respondent vide reply dated 20.07.2022 (Annexure P-8) suggested two other names, i.e. Mr. Justice (Retd.) M.L. Verma, former Judge of Delhi High Court, and Mr. Justice (Retd.) V.K. Gupta, former Chief Justice of Jharkhand High Court. In absence of consensus, an application u/s 11 (6) of Act of 1996 was filed by applicant herein, which was withdrawn on 06.12.2022 (Annexure P-9) from Delhi High Court, with liberty to applicant to approach the jurisdictional Forum.

2.1 Accordingly, present application u/s 11 (6) of Act of 1996 was filed on 31.03.2023, in this Court.

3. Respondent preferred reply on 01.02.2024, primarily objecting to the dispute being non-arbitrable, being criminal in nature.

3.1 Objection raised by respondent creates a doubt as to whether the dispute raised by applicant is arbitrable or not, but this by itself cannot restrain this Court from exercising jurisdiction u/s 11 (6) of Act of 1996, for the obvious reason that the Arbitrator is competent to render a finding in regard to his/her own jurisdiction and thus, this Court, in view of decision of Apex Court (Please see : **[Vidya Drolia and others Vs. Durga Trading Corporation, (2021) 2 SCC 1]**), leaves it to learned Arbitrator, so appointed herein below, to deal with said aspect, before proceeding ahead on merits.

4. Mr. Sanjeev Puri, learned senior counsel for respondent, could not dispute execution of arbitration agreement, exhaustion of remedy by



applicant under the arbitration clause in the agreement between rival parties, service of notice and dispute between the parties being arbitrable.

5. Pre-requisites for invoking power u/s 11 (6) of Act of 1996 appear to be satisfied.

6. Accordingly, this application is allowed.

6.1 Ms. Justice Manjari Nehru Kaul, former Judge of this Court, residing at House No. 115, Sector 24, Chandigarh, Mobile No. 95010 41234, is hereby appointed as Sole Arbitrator to adjudicate dispute between the parties, subject to compliance of statutory requirements under Act of 1996 before proceeding ahead.

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

8. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of Act of 1996, as amended from time to time, or fee agreed by the parties, whichever is more.

9. The Arbitrator is requested to complete the arbitral proceedings as per time limit stipulated u/s 29-A of Act of 1996.

10. Any observation made hereinabove is meant merely for passing this order and shall not be construed as expression on merits of the dispute.

11. A request letter along with copy of this order be sent to Ms. Justice Manjari Nehru Kaul.

12. All the pending applications also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

October 27, 2025
ndj

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