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

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Date of Decision: 08.01.2025

M/s Vatika Business Centers Private Limited

...Applicant

Versus

M/s Delcaper Technologies Private Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Varun Goyal, Advocate for the applicant

Ms. Parul, Advocate and
Mr. Mordhwai, 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 agreement dated 17.01.2023. A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The execution of agreement, arbitration clause therein and service of notice under Section 21 of 1996 Act is not disputed.

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 this Court has no territorial jurisdiction to entertain the present application and agreement

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5. From the perusal of agreement, it is evident that seat of arbitration is at Gurugram. The office of the applicant is at Gurugram and respondent is situated at Gujarat. The respondent is claiming that application can be entertained by Courts at Bombay. The contentions of the respondent in view of the agreement are not sustainable.

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. Sushil Kumar Gupta, District & Sessions Judge (Retd.), residing at Flat 3B, Building 3, The Hibiscus, Sector 50, Gurugram, Mobile No.8053011222 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. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

9. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 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. Sushil Kumar Gupta.

(JAGMOHAN BANSAL)
JUDGE

08.01.2025
Mohit Kumar

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