



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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ARB-424-2021

Date of decision: 11.03.2025

AERIAL TELECOM SOLUTIONS PVT. LTD.APPLICANT

Vs.

BHARAT SANCHAR NIGAM LIMITED ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ajay Pal Singh Saini, Advocate
for the applicant-petitioner.

Mr. Vaibhav Gupta, Advocate and
Mr. K.K. Gupta, Advocate
for the respondent.

JAGMOHAN BANSAL, J (ORAL)

1. Through instant application under Section 11(2), 11(6) 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 10.08.2020. A dispute erupted between the parties. The applicant served notice upon respondent seeking resolution of dispute through arbitral tribunal but to no avail.

3. The applicant does not want appointment of an Arbitrator from the panel curated by respondent. The matter was adjourned sine die awaiting decision of Larger Bench of Supreme Court. Hon'ble Supreme Court in '**Central Organisation for Railway Electrification v. ECI SPIC SMO MCML (JV) A Joint Venture Co.**', 2024 SCC OnLine SC 3219 has settled the issue. The Court has held that unilateral appointment is not permissible by law. The appointment in such circumstances needs to be made by High Court or Supreme Court.



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4. The execution of arbitration agreement and service of notice invoking arbitration clause is not disputed.

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. Mrs. Justice Raj Rahul Garg, Former Judge of this Court, residing at House No.266, Sector 21, Panchkula, Mobile No. 8558809937 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. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his/her convenience.

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

9. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 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. A request letter along with copy of this order be sent to Mrs. Justice Raj Rahul Garg.

11.03.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No