



ARB-291-2025 (O&M) 1

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

**ARB-291-2025 (O&M)
Date of Decision:04.12.2025**

Manoj Kumar Contractor

.....Petitioner

Versus

Municipal Corporation Ambala and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Ritik Mohindroo, Advocate for the petitioner.

Mr.Vivek Saini, Advocate for the respondents.

JASGURPREET SINGH PURI J.(Oral)

1. The present is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act'), seeking appointment of a sole arbitrator in the present case.

2. Learned counsel for the petitioner submitted that there is a valid agreement between the parties, in which an arbitration clause is contained at para No.24 and the same has been attached with the present petition as Annexure P-1. He further submitted that since a dispute arose between the parties, the petitioner served a notice upon the respondents vide Annexure P-4 for invoking the arbitration clause, but no response was received from the respondents. Therefore, he submitted that this Hon'ble Court may appoint a sole arbitrator for adjudicating the dispute.

3. On the other hand, Mr. Vivek Saini, Advocate has filed a reply on behalf of respondents and the same is taken on record. While referring



to the reply, learned counsel for the respondents submitted that the dispute is not an arbitral dispute as there is nothing outstanding against the respondents and therefore, the present petition is liable to be dismissed.

4. I have heard the learned counsels for the parties.

5. Learned counsel for the respondents has not disputed the aforesaid clause pertaining to arbitration and has also not disputed the service of the notice dated 10.10.2024 (Annexure P-4) invoking the arbitration clause.

6. The only objection raised by learned counsel for the respondents is that nothing is outstanding against the respondents and therefore, the dispute is not an arbitral dispute.

7. It is a settled law that at the time of consideration of the petition under Section 11 of the Act, this Court has to only consider as to whether there is a *prima facie* existence of an arbitration clause and whether the notice invoking arbitration has been duly served or not. These two aspects have not been disputed by learned counsel for the respondents.

8. As to whether any amount is outstanding or not and as to whether it is an arbitral dispute or not, the same is to be considered by the arbitrator at the relevant stage.

9. In view of the aforesaid facts and circumstances, the present petition is allowed. Hon'ble Ms. Justice Manjari Nehru Kaul, (retired), resident of House No.115, Sector 24-A, Chandigarh, Mobile No.9501041234, is nominated as the Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory provisions including Section 12 of the Act.

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

