

251

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB-326-2025

Date of decision: 02.12.2025

AKVM SOLUTIONS PVT. LTD.

...Petitioner(s)

VERSUS

RAVI KANT SRIVASTAVA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

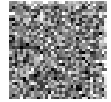
Present:- Ms. Priya Wadhwa, Advocate
(Through Video Conferencing) and
Mr. Abhimanu Jangra, Advocate for the petitioner.

Mr. Saurabh Pandey, Advocate for the respondent.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') seeking appointment of an independent Arbitrator to adjudicate the disputes and differences which have arisen between the parties.

2. Learned counsel for the petitioner, who has joined the proceedings through video conferencing, submitted that the respondent was employed by the petitioner as a Project Manager vide Annexure P-1 and he had accepted the terms of the appointment. She further submitted that in the aforesaid terms of the appointment, there was an arbitration clause i.e. Clause 18.3, which provides that if the parties are unable to settle the disputes through mediation or otherwise, then the disputes shall be referred to the Sole Arbitrator appointed by

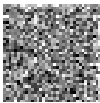


the parties for adjudication as per the provisions of the Act including Rules thereof or any statutory amendment/re-enactment thereof. She further submitted that a dispute arose between the parties and the petitioner invoked the aforesaid arbitration clause by issuing a notice to the respondent dated 18.04.2025 (Annexure P-7). She also submitted that although the respondent replied to the aforesaid notice vide Annexure P-8, but there was no denial with regard to the invocation of arbitration.

3. On the other hand, learned counsel for the respondent submitted that there is no dispute with regard to the appointment letter (Annexure P-1) and the existence of the aforesaid arbitration clause. He further submitted that the issuance of notice (Annexure P-7) invoking the arbitration clause is also not in dispute. He has however submitted that the petitioner is disputing only 1½ months' salary, for which it is now seeking to invoke the arbitration clause despite the fact that the respondent was not liable to pay that amount.

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

5. The existence of the arbitration clause is not in dispute and the invocation of the aforesaid arbitration clause vide Annexure P-7 is also not in dispute. However, learned counsel for the respondent has submitted that the petitioner is disputing only the payment of 1½ months' salary. This aforesaid objection of the respondent is not sustainable because at the reference stage under Section 11 of the Act, this Court is only to see *prima facie* existence of the arbitration clause and its invocation, both of which are not in dispute in the present case. Earlier the matter was referred to the Mediation and Conciliation Centre of this Court but the mediation failed.



6. In view of the aforesaid facts and circumstances, the present petition is allowed. Ms. Vandana Reeta Kohli, Advocate, Office/Residence # 43, Sector-18-A, Chandigarh, Mobile No.-9815133553, E-mail ID-Vandanaak353@gmail.com, 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.
7. 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.
8. Fee shall be paid to the learned Arbitrator in accordance with the Fourth Schedule of the Arbitration Act, as amended.
9. Learned Arbitrator is also requested to complete the proceedings as per the time limit prescribed under Section 29-A of the Act.
10. A request letter alongwith a copy of the order be sent to Ms. Vandana Reeta Kohli, Advocate.

02.12.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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