



ARB-464-2023 (O&M) -1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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ARB-464-2023 (O&M)
Date of decision: 04.03.2025

SKYLARK INFRA ENGINEERING PVT. LTD.APPLICANT

Vs.

GURUGRAM METROPOLITAN CITY BUS LTD. ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Amit Kohar, Advocate
for the applicant.

Mr. Prateek Mahajan, Advocate and
Mr. Mayank Vashishth, 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 arbitration agreement dated 27.08.2018. 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 execution of arbitration agreement and service of notice invoking arbitration clause is not disputed.

4. Mr. Prateek Mahajan, Advocate submits that State Government has already appointed Joint Commissioner, Municipal Corporation, Gurugram as sole Arbitrator, thus, there is no need to make appointment on the part of this Court.



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5. Mr. Amit Kohar, Advocate, counsel for the applicant submits that in view of judgment of Supreme Court in ***Central Organisation for Railway Electrification v. ECI SPIC SMO MCML (JV) A Joint Venture Co., 2024 SCC OnLine SC 3219***, the appointment needs to be made by this Court.

6. In the wake of judgment of Supreme Court in ***Central Organisation for Railway Electrification (Supra)*** and terms & conditions of agreement, power under Section 11(6) of 1996 Act needs to be exercised.

7. 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.

8. Mr. Vinod Jain, Retired District & Sessions Judge, residing at House No.381, Sector 1, IMT, Manaser, Gurugram, Mobile No. 9468178585 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.

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

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

11. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

12. 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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- 13. A request letter along with copy of this order be sent to Mr. Vinod Jain.

- 14. Pending miscellaneous application(s), if any, shall also stand disposed of.

04.03.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

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