

**ARB-400-2024 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****263****ARB-400-2024 (O&M)****Date of Decision: 08.01.2025****M/s Shree Sai International and another****...Applicants****Versus****M/s Rajinder Kumar & Co. and another****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. A.K. Garg, Advocate
for Mr. Nandan Jindal, Advocate for the applicants

Mr. Manu Loona, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicants are seeking appointment of an Arbitrator.

2. The parties entered into MOU/Construction Agreement dated 04.05.2021 (Annexure P-3). A dispute erupted between the parties. There is an arbitration clause in the aforesaid MOU/Construction Agreement. The execution of MOU/Construction Agreement, arbitration clause therein and service of notice under Section 21 of 1996 Act is not disputed.

3. Mr. Manu Loona, Advocate appeared and filed his Power of Attorney on behalf of the respondents. The same is taken on record. Registry is directed to tag the same at an appropriate place.

4. Learned counsel for the respondents submits that he leaves it to this Court to make appointment of an independent Arbitrator.

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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. Mr. Justice Jitendra Chauhan, Retired Judge of this Court, residing at House No.1501, Sector 36-D, Chandigarh, Mobile No.9780008142 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 convenience.

8. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 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 Mr. Justice Jitendra Chauhan.

12. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

08.01.2025
Mohit Kumar

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