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

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ARB-414-2024

Date of Decision: 07.01.2025

M/s Numerous Builders Pvt. Ltd.

...Applicant

Versus

M/s Stonehenge (A&I)

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Ms. Seenu Ravesh, Advocate
for Mr. Vivek Khatri, Advocate for the applicant

Mr. Samir Rathaur, Advocate for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 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 agreement dated 15.04.2021 (Annexure P-1). A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The execution of agreement, arbitration clause in the agreement and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned counsel for the respondent submits that the applicant on the earlier occasion filed a suit before the Civil Court wherein respondent raised question of maintainability on the ground of arbitration clause. The applicant withdrew the suit unconditionally, thus, instant application is not maintainable.

4. The arbitration clause is undisputed and the respondent before Civil Court had pleaded that Civil Court has no jurisdiction in view of

arbitration clause, thus, matter needs to be referred to Arbitral Tribunal.

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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 Sudhir Kumar Katriar, Former Judge of Patna High Court, residing at Flat No.101, 4th Floor, Tower No.12, Supreme Enclave, Mayur Vihar, Phase-I, Delhi- 110091, Mobile No.8527937916 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 Sudhir Kumar Katriar.

(JAGMOHAN BANSAL)
JUDGE

07.01.2025
Mohit Kumar

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