



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

286

ARB-440-2024

Date of Decision: 04.02.2025

Nephrocare Health Services Private Limited**...Applicant**

Versus

Swami Vivekanand Multi Specialty Hospital**...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Namit Khurana, Advocate for the applicant

Dr. Pankaj Nanhera, Advocate,

Mr. Rahul Gautam, Advocate and

Mr. Yogesh Vashist, 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 Agreement dated 06.08.2021/17.08.2021 (Annexure A-1) and Supplementary Agreement dated 25.05.2023 (Annexure A-2). A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The execution of agreement, arbitration clause therein and service of demand notice is not disputed.

3. Learned counsel for the respondent expressed his inability to controvert execution of arbitration agreement. He leaves it to this Court to make appointment of an independent Arbitrator.



4. 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.
5. Mr. S.P. Singh, District & Sessions Judge (Retd.). residing at House No. 151, Tribune Mitra Vihar, Sector 29, Panchkula, Mobile No.9416876888 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.
6. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.
7. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 Act, as amended.
8. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.
9. 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.
10. A request letter along with copy of this order be sent to Mr. S.P. Singh.

(JAGMOHAN BANSAL)
JUDGE

04.02.2025
Mohit Kumar

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