



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

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ARB-495-2024**Date of decision: 27.03.2025****M/S WITS INNOVATION LAB LLP****....APPLICANT****Vs.****DINESH KHURANA****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. R.D. Gupta, Advocate and
Ms. Neeti Gupta, Advocate
for the applicant.

Mr. Arif Qureshi, 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 arbitration agreement. A dispute erupted between the parties. The applicant served notice upon respondent seeking resolution of dispute through arbitral tribunal but to no avail.
3. Mr. Arif Qureshi, Advocate, counsel for the respondent submits that applicant did not serve notice under Section 21 of 1996 Act invoking arbitration clause and arbitration agreement does not provide for appointment of Arbitral Tribunal, thus, application needs to be rejected. The respondent has approached Labour Authorities and matter is pending before Labour Authorities. The appointment of Arbitrator would create financial burden.
4. From the perusal of Clause 15 of the agreement, it is evident that there was arbitration agreement between the parties. The applicant had served notice dated 14.08.2024 upon respondent invoking arbitration clause. The respondent in his reply, averred that going into arbitration would cause mental harassment to him.

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5. All the issues raised by respondents have to be answered by Arbitral Tribunal
6. 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.
7. Ms. Gurvinder Kaur, Additional District & Sessions Judge (Retd.), residing at House No. 2806, Sector -61, SAS Nagar, Mohali- 160059, Mobile No. 8397920888 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.
8. The parties at the first instant will appear before the Arbitrator on 08.04.2025 at 10.00 A.M. and thereafter as directed by learned Arbitrator.
9. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 Act, as amended.
10. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.
11. 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.
12. A request letter along with copy of this order be sent to Ms. Gurvinder Kaur.

27.03.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No