



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

268

ARB-503-2024 (O&M)
Date of Decision: 13.02.2025

M/s Amar Nath Rice Mill

...Applicant

Versus

Punjab State Civil Supplies Corporation and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Mukund Gupta, Advocate for the applicant

Mr. Manbir Singh Batth, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11(6)(c) 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 03.10.2004 (Annexure P-1). 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 notice invoking arbitration clause is not disputed.

3. Mr. Manbir Singh Batth, Advocate appeared and filed his Memorandum of Appearance 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 respondents have already made the appointment of an Arbitrator, thus, there is no need to make appointment by this Court.

5. The respondents have appointed Dr. Arvinder Singh, Retired I.A.S. Officer as Arbitrator. The applicant does not agree to said appointment as it is a unilateral appointment. As per 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 respondents cannot make unilateral appointment. Such appointment is bad in the eye of law. The appointment in such circumstances needs to be made by High Court or Supreme Court.

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. Mr. Khem Karan Goyal, Retired Additional District and Sessions Judge, residing at House No.382, I.A.S-P.C.S. Society, Mullanpur Garibdass, New Chandigarh, District S.A.S. Nagar Mohali, Mobile No.8558873011 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. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

9. The Arbitrator shall be paid fee in accordance with the Fourth



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 Mr. Khem Karan Goyal.
13. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)

JUDGE

13.02.2025

Mohit Kumar

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