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

ARB-545-2025

Date of decision: 22.12.2025

M/S SG FOODS

...Applicant(s)

VERSUS

**DISTRICT FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS
CONTROLLER**

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

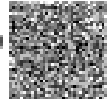
Present:- Mr. Tarun Chawla, Advocate for
Mr. Arav Gupta, Advocate
for the applicant.

Mr. Chirag Wadhwa, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') seeking appointment of an independent Arbitrator to adjudicate the disputes and differences which have arisen between the parties.

2. Learned counsel appearing on behalf of the applicant submitted that there was an agreement between the parties vide Annexure P-1, which contains an arbitration clause i.e. Clause 24. He submitted that a dispute arose between the parties and the applicant invoked the aforesaid arbitration clause by issuing a notice dated 20.08.2025 (Annexure P-13) but no response was received from the respondent and therefore, an independent Sole Arbitrator may



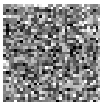
be appointed by this Court. He further submitted that an earlier litigation between the parties was decided by a Coordinate Bench of this Court vide Annexure P-12, wherein both the parties had agreed that their differences be adjudicated by an Arbitrator in terms of the aforesaid arbitration clause i.e. Clause 24.

3. On the other hand, Mr. Chirag Wadhwa, DAG, Haryana, on instructions from Mr. Parvesh Kapoor, Accountant, DFSC, Karnal, submitted that there is no dispute with regard to the earlier stand taken by both the parties that an Arbitrator can be appointed. He further submitted that there is also no dispute with regard to the existence of the arbitration clause and invocation of the said arbitration clause by way of issuance of notice vide Annexure P-13. He has however submitted that the only objection of the respondent is that the applicant has played fraud upon the respondent and has embezzled foodgrains.

4. I have heard the learned counsels for the parties.

5. All the essential conditions for appointment of a Sole Arbitrator under Section 11 of the Act stand satisfied due to the existence of the aforesaid arbitration clause and service of notice vide Annexure P-13. The only objection which has been raised by the respondent is on the merits of the dispute, which cannot be gone into by this Court at the reference stage under Section 11 of the Act and this issue can be raised by the respondent before the learned Arbitrator at an appropriate stage.

6. In view of the aforesaid facts and circumstances, the present application is allowed. Mr. Justice Pritam Pal, a former Judge of this Court, resident of House No.665, Sector 11-B, Chandigarh, Mobile No.9463122333, is



nominated as the Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory provisions including Section 12 of the Act.

7. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed and communicated by the learned Arbitrator at his convenience.

8. Fee shall be paid to the learned Arbitrator in accordance with the Fourth Schedule of the Arbitration Act, as amended.

9. Learned Arbitrator is also requested to complete the proceedings as per the time limit prescribed under Section 29-A of the Act.

10. A request letter alongwith a copy of the order be sent to Mr. Justice Pritam Pal, a former Judge of this Court.

(JASGURPREET SINGH PURI)
JUDGE

22.12.2025
Chetan Thakur

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