



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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ARB-545-2024

Date of decision: 24.03.2025

MOHIT SINGLA

....APPLICANT

Vs.

THE CHIEF ADMINISTRATOR, HARYANA STATE AGRICULTURE
MARKETING BOARD AND OTHERS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Anil Kumar Sharma, Advocate
for the applicant.

Mr. Vishal Garg, Advocate
for respondent Nos. 1 and 2.

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 dated 20.05.2019. 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. Vishal Garg, Advocate, counsel for respondent Nos. 1 and 2 expressed his inability to controvert execution of arbitration agreement and service of notice.

4. Mr. Anil Kumar Sharma, Advocate submits that respondents have made unilateral appointment which is contrary to 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.



5. Mr. Vishal Garg, Advocate submits that respondents have made appointment of an independent Arbitrator, thus, there should be no objection to said appointment.

6. The respondents have appointed Sh. R.P. Bhasin, District and Session Judge (Retd.) 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 (Supra)***, 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.

7. 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.

8. Mr. Justice Girish Agnihotri, Former Judge of this Court, residing at House No.215, Sector 9, Chandigarh, Mobile No. 7009260001 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.

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

10. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 Act, as amended.

11. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.



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12. 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.

13. A request letter along with copy of this order be sent to Mr. Justice Girish Agnihotri.

24.03.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

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