



ARB-599-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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ARB-599-2024

Date of Decision: 22.05.2025

V Inspirer Facility Management Private Limited

...Applicant

Versus

Chandigarh Smart City Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. G.S. Sullar, Advocate (*through video conferencing*) and
Mr. Haneesh Kumar, Advocate for the applicant

Mr. Ashish Rawal, 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 dated 06.07.2022 (Annexure P-2). A dispute erupted between the parties. The applicant served notice upon the respondent seeking resolution of dispute through Arbitral Tribunal but to no avail.

3. Learned counsel for the respondent submits that the applicant was served notice for termination of agreement executed between the parties. It filed reply to the notice and prior to passing of order by competent authority, filed notice invoking arbitration clause. The intent of the applicant was to avoid termination proceedings. As contract stands terminated, the arbitration clause ceases to exist.



4. There is no dispute with respect to execution of arbitration agreement and service of notice on the respondent. The respondent is disputing invocation of arbitration clause in view of termination of contract. This is a question which needs to be adjudicated by Arbitral Tribunal. The instant application, on the grounds raised by respondent cannot be rejected by this Court. The matter needs to be adjudicated by Arbitral Tribunal.

5. 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.

6. Dr. Ram Kumar Singla, Additional District & Sessions Judge (Retd.), residing at House No. 4004, Sector 68, S.A.S. Nagar, Mohali, Mobile Nos.9501003119 & 8558803877 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.

7. The parties at the first instance will appear before the Arbitrator on 06.06.2025 at 10:00 AM and thereafter, as directed by learned Arbitrator.

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

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

10. 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.



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11. A request letter along with copy of this order be sent to
Dr. Ram Kumar Singla.

(JAGMOHAN BANSAL)
JUDGE

22.05.2025
Mohit Kumar

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