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

ARB-67-2026

Date of decision: 19.03.2026

SHRI MALLINATH FURNITURES

...Applicant(s)

VERSUS

M/S HINDWARE HOME INNOVATION LTD.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

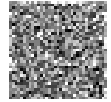
Present:- Mr. Vinay Kumar Pandey, Advocate for the applicant.

Mr. Nitin Thatai, Advocate and
Ms. Monika Thatai, Advocate for the respondent.

JASGURPREET SINGH PURI, J. (Oral)

1. The present application has been filed under Section 11(6) 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 for the applicant submitted that there is an agreement between the parties in the nature of a franchisee agreement dated 19.09.2023 vide Annexure P-1, which contains an arbitration clause i.e. Clause 16, providing for reference of disputes to a Sole Arbitrator. He further submitted that since a dispute arose between the parties, the applicant invoked the aforesaid arbitration clause by issuing a notice dated 24.09.2025 (Annexure P-5), to which a reply was received from the respondent denying the claim and

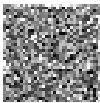


therefore, the present application has been filed seeking appointment of an independent Arbitrator.

3. On the other hand, Mr. Nitin Thatai, Advocate has filed reply on behalf of the respondent in the Court today, which is taken on record. He submitted that there is no dispute with regard to the existence of the arbitration clause and invocation of the said arbitration clause by way of issuance of a notice vide Annexure P-5, to which the respondent had duly replied. He has however submitted that the objection of the respondent is that the agreement was terminated on account of non-fulfillment of the essential conditions by the applicant and that the respondent has acted in accordance with the terms and conditions of the agreement and therefore, the dispute is non-arbitrable in nature.

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

5. There is 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-5. The only objection raised by the learned counsel for the respondent is that the respondent has acted in accordance with the terms and conditions of the agreement, whereas it is the applicant who has violated the same. This Court is of the considered view that the aforesaid objection raised by the learned counsel for the respondent is not sustainable at this stage i.e. at the time of reference under Section 11 of the Act. It is a settled law that such kind of objections do not fall within the scope of consideration by this Court at the reference stage and the same can always be raised before the learned Arbitrator at an appropriate stage.



6. Both the essential conditions for invoking Section 11 of the Act, namely, the *prima facie* existence of the arbitration clause and its invocation by way of issuance of notice vide Annexure P-5, stand fulfilled and rather the same have not been disputed by the learned counsel for the respondent.
7. In view of the above, the present application is allowed. Sh. Balbir Singh, District & Sessions Judge (Retd.), resident of # 385, IAS-PCS Society, Mullanpur, New Chandigarh, Distt. S.A.S. Nagar, Punjab, mobile No.-8558800204, 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.
8. 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.
9. Fee shall be paid to the learned Arbitrator in accordance with the Fourth Schedule of the Arbitration Act, as amended.
10. Learned Arbitrator is also requested to complete the proceedings as per the time limit prescribed under Section 29-A of the Act.
11. A request letter alongwith a copy of the order be sent to Sh. Balbir Singh, District & Sessions Judge (Retd.).

(JASGURPREET SINGH PURI)
JUDGE

19.03.2026
Chetan Thakur

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