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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-426-2023(O&M)
Date of Decision: 19.03.2026

AMIT BANSAL AND ANOTHER

....Petitioner(s)

Versus

MAGNUS FACILITIES AND MAINTENANCE PVT. LTD.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr.Ajay Pal Singh, Advocate,
for the petitioners.

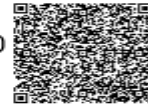
Mr. Shobit Phutela, Advocate,
for the respondent.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') praying for appointment of an independent Sole Arbitrator to adjudicate the disputes and differences which have arisen between the parties pertaining to an agreement entered into between the parties.

2. Learned counsel appearing on behalf of the petitioner submitted that earlier an attempt was made for mediation but the same has failed. He submitted that there is an agreement (Annexure P-1) between the parties, which contains an arbitration clause i.e. Clause 20, which provides that in case of any dispute between the parties, the matter shall be referred to arbitration of a Sole Arbitrator. He submitted that since a dispute arose

between the parties, a notice was issued to the respondent vide Annexure P-2



dated 17.08.2023 invoking the aforesaid arbitration clause and proposing the name of an Arbitrator but neither the same was accepted by the respondent nor any reply was sent and therefore, the present application has been filed under Section 11 of the Act seeking appointment of a Sole Arbitrator.

3. On the other hand, Mr. Shobit Phutela, learned counsel for the respondent submitted that there is no dispute with regard to existence of the aforesaid agreement and the arbitration clause contained therein and the invocation thereof by sending of a notice by the petitioner vide Annexure P-2.

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

5. Both the essential conditions for appointment of an Arbitrator under Section 11 of the Act stand satisfied in the present case in view of existence of an arbitration clause, which is not disputed by the learned counsel for the respondent and also the invocation thereof by issuance of notice, which is also not disputed by the learned counsel for the respondent.

6. In view of the above, the present petition is allowed. Sh. Kuldeep Kumar Kareer, District and Sessions Judge, (Retired), resident of # 262, Sector-7, Chandigarh, Mobile No. 9780055722, E-mail ID: kuldeepkareer@gmail.com, 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 Sh. Kuldeep Kumar Kareer, District and Sessions Judge, (Retired).

19.03.2026

rakesh

Whether speaking : Yes/No

Whether reportable : Yes/No

(JASGURPREET SINGH PURI)

JUDGE