



ARB-520-2023

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

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ARB-520-2023

Date of Decision: 15.10.2024

G4S Secure Solutions (India) Private Limited

...Applicant

Versus

M/s A2Z Infraservices Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Pankaj Gupta, Advocate for the applicant

Mr. Tushar Mudgil, Advocate for the respondent
(through video conferencing)

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 agreement dated 29.01.2014 (Annexure P/2). A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The execution of agreement, arbitration clause in agreement and service of notice under Section 21 of 1996 Act is not disputed.

3. Reply filed by the respondent is taken on record. Registry is directed to tag the same at an appropriate place.

4. Learned counsel for the respondent submits that the applicant has not followed pre-arbitral procedure, thus, the application may be dismissed.



5. From the perusal of arbitration clause, it comes out that in case of dispute, both the parties should resolve the issue amicably. There should be a joint discussion.

6. From the perusal of documents placed on record as well as notice under Section 21 of 1996 Act, it comes out that constant communication took place between the parties, however, the matter could not be resolved. In such circumstances, the matter needs to be resolved through Arbitral Tribunal.

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 Ramendra Jain, Retired Judge of this Court, residing at #A-143, Sushant Lok (Umeed Marg), Block A, Phase-I, Gurugram-122009, Mobile No.9971288222 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 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 Ramendra Jain.

(JAGMOHAN BANSAL)**JUDGE****15.10.2024***Mohit Kumar*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable | Yes/No |