



ARB-522-2023

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

284

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Date of Decision: 01.08.2024

M/s JRD Pharma

...Applicant

Versus

M/s Oswal Synergies

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Krishan Kanha, Advocate and
Mr. Kshitiz Goel, Advocate for the applicant
Mr. Rajdeep Chugh, Advocate for the respondent
(*through video conferencing*)

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11(5) 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 09.02.2022. There is an arbitration clause in the aforesaid agreement. The parties are neither disputing existence of agreement nor arbitration clause.
3. The applicant filed Civil Suit No.8086-2022 before Civil Judge (Junior Division), Ludhiana, who vide order dated 30.05.2023 (Annexure P-3) referred the dispute to arbitration. Thereafter, the applicant appointed an Arbitrator. The Arbitrator in its first meeting sent notice dated 03.10.2023 to both the parties. The respondent vide legal notice dated 21.10.2023 (Annexure P-5) objected to the appointed Arbitrator and proposed another name. The applicant vide rejoinder dated 07.11.2023 to aforesaid notice objected to proposal of respondent. The respondent did not reply to the said rejoinder.



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4. 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.

5. Sh. R.L. Ahuja, Additional District & Sessions Judge (Retd.), residing at #4-A, Palam Vihar, Pakhowal Road, V. Daad, Ludhiana- 142022, Mobile No.9888353526 is appointed as an 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.

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

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

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

9. Needless to mention, parties will 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.

10. A request letter along with copy of this order be sent to Sh. R.L. Ahuja, Additional District & Sessions Judge (Retd.).

(JAGMOHAN BANSAL)
JUDGE

01.08.2024

Mohit Kumar

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