



ARB-311-2023

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

287

ARB-311-2023

Date of Decision: 16.09.2024

Liberty Shoes Limited

...Applicant

Versus

M/s Liberty Footwear Co. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Lalit Thakur, Advocate for the applicant

Mr. P.S. Rana, Advocate

for Mr. G.S. Rana, Advocate

for respondent Nos.1 to 3, 5 to 7, 12 and 13

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. Despite service, there is no representation of few respondents. Their conduct shows that despite knowing pendency of present application, they are avoiding appearance. The matter is pending before this Court since 2023 and it cannot be kept pending for indefinite period especially when the prayer in the application is confined to appointment of an Arbitrator who ultimately would adjudicate rights and liabilities of the parties.



3. The parties entered into agreement dated 31.03.2003 (Annexure P-2) which was subsequently renewed on 03.04.2013 on the similar terms and conditions. There is an arbitration clause in the aforesaid agreement. The execution of agreement, arbitration clause in the agreement and service of notice under Section 21 of 1996 Act is not disputed.

4. Learned counsel for respondent Nos.1 to 3, 5 to 7, 12 and 13 submits that they have no objection if an arbitrator is appointed to resolve the issue.

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. Ms. Justice Jaishree Thakur, Retired Judge of this Court, residing at House No. 36, Sector 8-A, Chandigarh, Mobile No.9814125236 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. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

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

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

11. A request letter along with copy of this order be sent to Ms. Justice Jaishree Thakur.

(JAGMOHAN BANSAL)
JUDGE

16.09.2024
Mohit Kumar

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