



ARB-527-2023 (O&M)

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

285

ARB-527-2023 (O&M)
Date of Decision: 01.08.2024

PCI Limited

...Applicant

Versus

Uttar Haryana Bijli Vitran Nigam Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Dharjot Grewal, Advocate
for Mr. Ajiteshwar Singh, Advocate for the applicant

Mr. B.R. Mahajan, Senior Advocate with
Mr. Prateek Mahajan, Advocate and
Mr. Vasu Gupta, Advocate for the respondent

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 contract dated 25.03.2013 (Annexure P/2). There is an arbitration clause in the aforesaid contract. The parties are neither disputing existence of lease deed nor arbitration clause.

3. The applicant, in terms of Section 21 of 1996 Act, served notice dated 25.05.2023 (Annexure P-10) upon the respondent for appointment of arbitrator. The respondent vide reply dated 15.06.2023 (Annexure P-11) did



not comment upon nomination of Arbitrator by applicant, however, suggested three names of its own. Hence, the present application.

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. Mr. Justice (Retd.) L.N. Mittal, residing at House No.93, Sector 4, MDC, Panchkula- 134114, Mobile No.9780008127 is requested to act 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 including issue of limitation before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.

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10. A request letter along with copy of this order be sent to Mr. Justice (Retd.) L.N. Mittal.

11. Pending application, if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

01.08.2024
Mohit Kumar

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