



ARB-452-2023

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

288/5

ARB-452-2023

Date of Decision: 12.08.2024

Pawanjit Singh

...Applicant

Versus

M/s International Land Developers Pvt. Ltd. and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Paramveer Singh, Advocate for
Mr. Manav Bajaj, Advocate for the applicant

Mr. Ambanshu Sahni, Advocate for the respondent
(*present 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 19.07.2016 (Annexure A-1). 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.

3. Learned counsel for the parties submit that a civil suit for the subject matter arising out of aforesaid agreement has been filed before Civil Court. The respondent has raised an objection on the basis of arbitration clause before the Civil Court.



4. The filing of civil suit and objection by the respondent indicates that parties are *ad idem* that matter should be adjudicated by an Arbitrator.
5. Learned counsel for the applicant undertakes to withdraw the suit pending before Civil Court.
6. 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.
7. Mr. Justice (Retd.) K.C. Puri, residing at #495, Destate Foothills, New Punjab Judicial Officers Housing Building Co-operative Society Limited, Mullanpur Garibdass, New Chandigarh, Mohali, Mobile No.6239744485 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.
8. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.
9. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.
10. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the Act.

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11. 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.

12. A request letter along with copy of this order be sent to Mr. Justice (Retd.) K.C. Puri.

(JAGMOHAN BANSAL)
JUDGE

12.08.2024*Mohit Kumar*

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