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

287/2

ARB-270-2023

Date of Decision: 05.09.2024

Peripheral Group of Services

...Applicant

Versus

Varuna Integrated Logistics Private Limited and another ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Ms. Seema Pasricha, Advocate for the applicant

Mr. Lokesh Sharma, Advocate for the respondents

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 Security Services Agreement dated 29.12.2018 (Annexure P-3). 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. Reply filed by the respondents is taken on record. Registry is directed to tag the same at an appropriate place.



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4. Learned counsel for the respondents submits that agreement itself was destroyed, thus, there is no question of referring the matter to Arbitral Tribunal.

5. The applicant claims that services were rendered pursuant to agreement executed between the parties and it had filed Civil Suit seeking recovery of its dues. Learned Additional District Judge, New Delhi has dismissed its claim on the ground of existence of arbitration clause.

6. The questions raised by the respondents needs to be adjudicated by 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. M.P. Mehndiratta, District and Sessions Judge (Retd.), residing at House No.1090, Sector 15 Part-2, Gurugram- 122001 Mobile No.9250925555 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.

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

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. M.P. Mehndiratta.

(JAGMOHAN BANSAL)
JUDGE

05.09.2024*Mohit Kumar*

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