



ARB-218-2023 (O&M)

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

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**ARB-218-2023 (O&M)
Date of Decision: 02.09.2024**

Tanshi Engineering

...Applicant

Versus

M/s Fabtech Projects & Engineers Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sube S. Kaushik, Advocate for the applicant

Mr. A.S. Cheema, Advocate and
Mr. Siddharth Bhukkal, Advocate for respondent Nos.1 and 2

Mr. Ishan Gupta, Advocate for respondent No.4

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 applicant was allotted work vide contract agreement/purchase order dated 14.05.2019 (Annexure P-3), purchase orders dated 25.11.2019 (Annexure P-4) and purchase order dated 26.03.2020 (Annexure P-5) by the respondent. There is an arbitration clause in the aforesaid purchase orders. The allotment of work, arbitration clause in the purchase orders and service of notice under Section 21 of 1996 Act is not disputed.



3. Learned counsel for respondent Nos.1 and 2 submits that as per agreement, the venue of the arbitration shall be at Pune, thus, this Court has no territorial jurisdiction to entertain the present application.

4. Learned counsel for the applicant submits that work was to be and ultimately executed at Bathinda (Punjab). The applicant is having its business premises at Jind (Haryana). This Court vide judgment dated 24.07.2024 in *ARB-118-2024, Naveen Garg v. Sanjay Aggarwal* has held that in such facts and circumstances, this Court has jurisdiction to entertain application under Section 11(6) of 1996 Act.

5. Mr. Ishant Gupta, Advocate submits that respondent No.4 was not signatory to the arbitration agreement, thus, he should not be dragged into litigation.

6. Learned counsel for the applicant submits that Arbitrator may be appointed qua dispute between applicant and respondent Nos.1 and 2.

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. Harcharan Singh Dhaliwal, District & Sessions Judge (Retd.), residing at House No.524, IAS/PCS Society, Mullanpur, New Chandigarh, Teh. Kharar, Distt. SAS Nagar, Punjab-140901, Mobile No.855800067 is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements.



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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.

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. Pending application(s), if any, shall stand disposed of.

14. A request letter along with copy of this order be sent to Mr. Harcharan Singh Dhaliwal.

(JAGMOHAN BANSAL)
JUDGE

02.09.2024

Mohit Kumar

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