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

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Date of Decision: 06.02.2025

M/s Jasbir Industries

...Applicant

Versus

The Chief Executive Officer and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. R.K. Girdhar, Advocate for the applicant

Mr. Sanjeev Soni, Advocate for respondents

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11 read with Section 12 of the Arbitration and Conciliation Act, 1996 (for short '1996 Act'), the applicant is seeking appointment of an Arbitrator.
2. Learned counsel for the applicant submits that applicant has entered into an arbitration agreement with the respondent. He has served notice upon the respondents seeking appointment of an Arbitrator, but to no avail.
3. Notice of motion.
4. Mr. Sanjeev Soni, Advocate accepts notice on behalf of respondents and files his Memorandum of Appearance. The same is taken on record. Registry is directed to tag the same at an appropriate place.
5. With the consent of both sides, the matter is taken up for final adjudication.



6. Pursuant to tender, the applicant was allotted work vide allotment letter dated 29.12.2021 (Annexure A/2). A dispute erupted between the parties. There is an arbitration clause in General Conditions of Contract. The allotment of work, arbitration clause in General Conditions of Contract and service of demand notice is not disputed.

7. Learned counsel for the respondents expressed his inability to controvert existence of arbitration clause in General Conditions of Contract. He leaves it to this Court to make appointment of an independent Arbitrator.

8. 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.

9. Ms. Gurvinder Kaur, Additional District & Sessions Judge (Retd.), residing at House No. 2806, Sector -61, SAS Nagar, Mohali-160059 Mobile No.8397920888 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.

10. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at her convenience.

11. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 Act, as amended.

12. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

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13. 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.

14. A request letter along with copy of this order be sent to Ms. Gurvinder Kaur.

(JAGMOHAN BANSAL)
JUDGE

06.02.2025*Mohit Kumar*

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