

**ARB-406-2023****-1-**

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

259**ARB-406-2023****Date of Decision: 23.07.2024****M/s Amtrix Infotech Private Limited****...Applicant**

Versus

Rajat David**...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Ivan Singh Khosa, Advocate for the applicant

Mr. Gurdial Singh Sarwal, Advocate for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. By way of instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short 'Act'), the applicant has approached this Court for appointment of an Arbitrator.

2. Learned counsel for the applicant submits that an Employment Agreement dated 24.01.2023 (Annexure P-1) was entered into between the parties and Clause 39 thereof, provides for resolution of dispute through arbitration. He further submits that a dispute arose between the parties and the respondent started soliciting the clients of the applicant after the termination of his appointment. Further, a notice dated 10.05.2023 (Annexure P-3) was served upon the respondent invoking the Arbitration Clause to which he has not responded.



3. In his reply, respondent has submitted that he had signed the employment agreement under duress. The date of agreement and resignation is same which creates doubt about the agreement.

4. I have heard the arguments of learned counsels for both sides and perused the record with their able assistance.

5. The agreement between the parties, the arbitration clause and the notice invoking the arbitration clause have been admitted.

6. In view of above facts and findings, this Court is of the considered opinion that present application deserves to be allowed and accordingly allowed.

7. Sh. Suresh Kumar Monga, Former Judicial Member, Central Administrative Tribunal, resident of #0901, N-Block, Wellington Heights, TDI City, Sector 117, Mohali, Mobile No. 9814106356, is appointed as the sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements.

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 will be at liberty to raise all the claims/defences/counter claims/pleas including that of limitation before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.

12. Copy of the order be sent to the appointed Arbitrator.

(JAGMOHAN BANSAL)
JUDGE

23.07.2024
Mohit Kumar

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