



ARB-318-2021 (O&M)

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

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ARB-318-2021 (O&M)
Date of Decision: 25.09.2024

M/s Fidelis Healthcare Private Limited

...Applicant

Versus

M/s NRI Buildtech Private Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Rohit Mittal, Advocate (*through Video Conferencing*)
and Ms. Stuti Mishra, Advocate for the applicant
Mr. Gaurav Singla, Advocate for the respondent

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 work contract dated 20.04.2019. There is an arbitration clause in the aforesaid contract. The execution of agreement, arbitration clause in the work contract and demand notice is not disputed.
3. By order dated 15.11.2022, the application was disposed of without making appointment of Arbitrator. The said application was disposed of in view of directions issued by Supreme Court in ***SLP (Civil) 5306 of 2022***. The Supreme Court has directed the Courts to decide all cases which are pending for more than one year within six months from 19.05.2022.



4. The applicant filed an application seeking restoration of the main case. The said application was allowed and the case was restored to its original number.

5. Learned counsel for the respondent submits that the applicant has appointed an Arbitrator which is not acceptable to the respondent. To resolve the issue, he leaves it to this Court to make appointment of an independent Arbitrator.

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. C.B. Jaglian, District & Sessions Judge (Retd.), residing at Flat No.D-503, Alaknanda CGHS Plot No.GH-45, Sector 56, Gurugram-122011 Mobile No. 9999056150 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. Pending application(s), if any, shall stand disposed of.

13. A request letter along with copy of this order be sent to Mr. C.B. Jaglian.

(JAGMOHAN BANSAL)
JUDGE

25.09.2024*Mohit Kumar*

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