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

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Date of Decision: 28.08.2025

Mam Chand

...Applicant

Versus

M/s Vesta Estate Builders and Developers Private Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Dr. Anand Kumar Bishnoi, Advocate for the applicant

Mr. Sabeeh, Advocate (*through video conferencing*)

Mr. Shvetanshu Goel, Advocate and

Mr. Shrey Goel, Advocate for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '1996 Act'), the applicant is seeking appointment of an Arbitrator.

2. The parties entered into collaboration agreement dated 10.01.2007. A dispute erupted between the parties. The applicant served notice upon the respondent seeking resolution of dispute through Arbitral Tribunal but to no avail.

3. Learned counsel for the respondent submits that claim of the applicant is barred by limitation. There was an agreement between the applicant as well as his family members on one side and respondent on the other side. It is applicant who has invoked arbitration agreement. The



applicant in 2016 filed Civil Suit and served notice under Section 21 of 1996 Act upon the respondent in 2023. By filing Civil Suit, the applicant waived off his right because he did not raise question of compensation in the Civil Suit.

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

5. From the perusal of order dated 17.11.2022 passed by Civil Judge, Junior Division, Gurugram, it is evident that Civil Suit filed by the applicant was dismissed on the sole ground that there is an arbitration agreement executed between the parties. The parties were directed to proceed for arbitration. The suit was dismissed as it was respondent who raised question of jurisdiction on the ground of arbitration agreement. The respondent got suit dismissed on the ground of arbitration agreement and before this Court is opposing appointment of Arbitrator on the ground of limitation. The stand of respondent seems to be unfair. The applicant is pursuing his claim since 2016. If the application is rejected, the applicant would be left remediless. In any case, issues raised by respondent need to be adjudicated by Arbitral Tribunal.

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. Justice Hemant Gupta, Former Judge of Supreme Court, residing at Bungalow No.12, Sunehri Bagh Road, New Delhi- 110011, Mobile No.9780008108, E-mail ID justicehemantgupta@gmail.com is



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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. The parties at the first instance will appear before the Arbitrator on 11.09.2025 at 10:00 AM and thereafter, as directed by learned Arbitrator.

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

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

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. A request letter along with copy of this order be sent to Mr. Justice Hemant Gupta.

(JAGMOHAN BANSAL)
JUDGE

28.08.2025

Mohit Kumar

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