IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

262(2) **ARB-267-2023**
Date of decision: 17.03.2025

GOLDEN M.P. CHIT FUND PVT. LIMITED ….APPLICANT

Vs.

M/S FAMILY FARMACE PRIVATE LIMITED AND OTHERS
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sachin Mittal, Advocate and
Mr. Arnav Mittal, Advocate
for the applicant.

Mr. Sharad Choudhary, Advocate
for respondent Nos. 1 to 3.

Mr. Maan Akashdeep Singh, Advocate and
Mr. Shiva Narang, Advocate
for respondent No. 4.

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JAGMOHAN BANSAL, J (ORAL)

1. The applicant through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short "1996 Act") is seeking appointment of an Arbitrator to adjudicate the dispute between the parties.

2. Counsel for the respondents submit that as per terms and conditions of the agreement, Mr. Sunil Dutt was appointed as a sole Arbitrator to resolve the dispute between the parties. He vide order dated 19.03.2020 (Annexure A-39) ordered not to proceed further as his mandate expired in terms of Section 29-A of 1996 Act. The applicant has filed instant application under Section 11(6) of 1996 Act which is not maintainable. The applicant has remedy to approach 'Court' as defined under Section 2(1)(e) of 1996 Act.

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3. Faced with this, Mr. Sachin Mittal, Advocate expressed his inability to controvert the fact that Arbitrator was appointed as per terms and conditions of the agreement and he has not proceeded further in terms of or Section 29-A of 1996 Act. As per Section 29-A of 1996 Act, Court has power to substitute the Arbitrator or extend mandate of existing Arbitrator.

4. This Court has not made appointment of sole Arbitrator. He was appointed by parties. He refused to proceed because his mandate has expired in terms of Section 29-A of 1996 Act. The applicant has remedy to approach Court as defined under Section 2(1)(e) of 1996 Act and this Court does not fall within the definition of Court under Section 2(1)(e) of 1996 Act.

5. Accordingly, the application stands dismissed with liberty to applicant to approach Court as per law.

17.03.2025 **[JAGMOHAN BANSAL]**
manoj **JUDGE**

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

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