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

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Date of Decision: 17.12.2024

M/s 3T Industrial Solutions Private Limited

...Applicant

Versus

M/s Mag Filters and Equipments Private Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Purshottam Jha, Advocate,
Mr. Avneet Singh, Advocate and
Mr. Pranav Jain, Advocate for the applicant

Mr. Ketan Antil, Advocate for the respondent
(*through video conferencing*)

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 an agreement dated 14.11.2016 (Annexure A-1). A dispute erupted between the parties. There is an arbitration clause in aforesaid agreement. The execution of agreement, arbitration clause therein and service of notice under Section 21 of 1996 Act is not disputed.

3. Learned counsel for the respondent submits that arbitration agreement was executed in 2016 and its validity was three years which virtually expired in 2019, thus, claim of the applicant is hopelessly barred by limitation.

4. The issue of limitation needs to be decided by Arbitral Tribunal.



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5. 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.

6. Mr. Justice Sudhir Kumar Katriar, Former Judge of Patna High Court, residing at Flat No.101, 4th Floor, Tower No.12, Supreme Enclave, Mayur Vihar, Phase-I, Delhi- 110091, Mobile No.8527937916 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.

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

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

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

10. 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.

11. A request letter along with copy of this order be sent to Mr. Justice Sudhir Kumar Katriar.

(JAGMOHAN BANSAL)
JUDGE

17.12.2024

Mohit Kumar

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