



ARB-239-2023

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

280

ARB-239-2023

Date of Decision: 04.09.2024

NYC Enterprises

...Applicant

Versus

**Commissioner-Cum-Employer, Municipal Corporation, Patiala and
another**

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Nimish Gautam, Advocate
for Mr. Dheeraj Mahajan, Advocate for the applicant
Mr. Sarthak Soni, Advocate
for Mr. Sanjeev Soni, Advocate for the respondents

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 applicant was allotted work vide allotment letter dated 07.01.2022 (Annexure P-1) by the respondent. Thereafter, an agreement dated 11.01.2022 (Annexure P-2) was executed between the parties. There is an arbitration clause in the contract agreement. The allotment of work, execution of agreement, arbitration clause in the contract agreement and service of notice under Section 21 of 1996 Act is not disputed.



3. Learned counsel for the respondent submits that delay had occurred due to implementation of Model Code of Conduct and there was a specified time period within which the applicant was required to invoke arbitration clause.

4. Concededly, the contract was terminated on 31.03.2022, thus, the claim is not time barred in terms of provisions of Limitation Act, 1963.

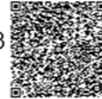
5. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

6. Mr. Inderjeet Mehta, District & Sessions Judge (Retd.), residing at House No.112, Sector 24, Chandigarh, Mobile No.9416577277 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 Act.

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10. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas including issue of limitation 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. Inderjeet Mehta.

(JAGMOHAN BANSAL)
JUDGE

04.09.2024*Mohit Kumar*

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