



ARB-136-2025

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

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ARB-136-2025

Date of Decision: 26.05.2025

Airplaza Retail Holdings Private Limited

...Applicant

**Versus**

B.R. Darshan and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Ashim Aggarwal, Advocate and  
Mr. Gautam Goyal, Advocate for the applicant  
Mr. Viren Sibal, Advocate and  
Mr. Satyam Sharda, Advocate for the respondents  
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**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 arbitration agreement dated 03.10.2019 (Annexure P-1). 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 respondents submits that there was no arbitration agreement, thus, this Court should not invoke its jurisdiction under Section 11(6) of 1996 Act.



4. From the perusal of notice dated 29.07.2024 served by the respondent upon the applicant, it is evident that it was the respondent who at the first instance invoked arbitration clause and proposed appointment of Arbitrator at Bangalore. The Courts at Bangalore lack jurisdiction over arbitration agreement in question, thus, parties are before this Court.

5. By notice dated 29.07.2024, the respondent has candidly accepted execution of arbitration agreement and cannot wriggle out of it at least in this litigation where limited question of appointment of Arbitrator is under consideration.

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 Rameshwar Singh Malik, Retired Judge of this Court, residing at B-13, Mayflair Gardens, Hauz Khas, August Kranti Marg, New Delhi, Mobile No.7837049206 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. The parties at the first instance will appear before the Arbitrator on 10.06.2025 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.

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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 Rameshwar Singh Malik.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**26.05.2025***Mohit Kumar*

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