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

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Date of Decision: 17.09.2024

M/s Amtrix Infotech Private Limited

...Applicant

Versus

Varun Thakkar

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Ivan Singh Khosa, Advocate for the applicant

Mr. Keshav Chadha, Advocate for

Mr. Rahul Bhargava, Advocate for the respondent

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. Learned counsel for the applicant submits that an Employment Agreement dated 23.01.2023 (Annexure P-1) was entered into between the parties and Clause 39 thereof, provides for resolution of dispute through arbitration. He further submits that a dispute arose between the parties and the respondent started soliciting the clients of the applicant after the termination of his appointment. Further, a notice dated 10.05.2023 (Annexure P-3) was served upon the respondent invoking the Arbitration Clause to which he has not responded.

3. Learned counsel for the respondent submits that he leaves it to this Court to decide the question of appointment of arbitrator.



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4. 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.

5. Mr. Suresh Kumar Monga, Former Judicial Member, Central Administrative Tribunal, resident of #0901, N-Block, Wellington Heights, TDI City, Sector 117, Mohali, Mobile No. 9814106356 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.

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

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

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

9. 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.

10. A request letter along with copy of this order be sent to Mr. Suresh Kumar Monga.

(JAGMOHAN BANSAL)
JUDGE

17.09.2024

Mohit Kumar

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