



ARB-236-2023 (O&M)

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

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ARB-236-2023 (O&M)
Date of Decision: 13.08.2024

Anguri Devi

...Applicant

Versus

M/s Hartron Motors LLP and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Paras Choudhary, Advocate for the applicant

Mr. Raj Shekhar, 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. The applicant entered into lease agreement dated 11.01.2017 (Annexure P-1) with the respondent. There is an arbitration clause in the aforesaid lease agreement. The execution of lease agreement, arbitration clause in the lease agreement and service of notice under Section 21 of 1996 Act is not disputed.

3. Mr. Raj Shekhar, Advocate submits that respondent has already vacated the premises, however, question of arrears of rent falls within jurisdiction of Civil Court under the Rent Control Act.



4. In view of the fact that respondent has already vacated the premises and there is specific arbitration clause in the lease agreement, this Court finds it appropriate to refer the matter to a Sole Arbitrator.

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 (Retd.) Rameshwar Singh Malik, 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.

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.

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 (Retd.) Rameshwar Singh Malik.

12. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

13.08.2024
Mohit Kumar

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