



ARB-60-2025

-1-

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

258

ARB-60-2025

Date of Decision: 02.07.2025

Ardee Mall Maintenance Services Private Limited**...Applicant**

Versus

All About Outdoor Private Limited**...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. R.D. Gupta, Advocate for the applicant
(*through video conferencing*)

Mr. Yajur Bhalla, Advocate (*through video conferencing*) and
Mr. Nishith Bansal, 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 parties entered into arbitration agreement dated 19.12.2017 (Annexure P-2) and amended agreements dated 05.02.2021 (Annexure P-3) & 27.12.2021 (Annexure P-4). 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. Reply filed by the respondent is taken on record. Registry is directed to tag the same at an appropriate place.



4. Learned counsel for the respondent submits that notice under Section 21 of 1996 Act was served on 03.09.2022. A period of almost three years has passed away. The applicant filed instant application before this Court in January' 2025. The respondent has already removed advertisement infrastructure, thus, the matter, for all intents and purposes, stands settled. The claim of applicant is barred by limitation. Appointment of Arbitrator by this Court would be abuse of process of law.

5. The issue raised by the respondent is a disputed question which needs to be adjudicated by Arbitral Tribunal. The execution of arbitration agreement is undisputed.

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 Sant Parkash, Former Judge of this Court, Address:- OD 100, 1st Floor, Malibu Town, Sector 47, Gurugram, Mobile No.8930244436, 9646102330 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 17.07.2025 at 10.00 A.M. 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.



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 Sant Parkash.

(JAGMOHAN BANSAL)
JUDGE

02.07.2025

Mohit Kumar

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