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

**ARB No.242 of 2017 (O&M)
Date of Decision: 16.11.2022**

M/S BPS STRUCTURES PVT. LTD.

.....Petitioner

Vs

M/S. RITIKA OFFSET PRINTERS

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms. Shruti Mandhotra, Advocate for
Mr. Kunal Dawar, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

Perusal of the record would show that notice of motion was issued on 15.09.2017. The respondent could not be served despite issuance of fresh notice(s) on 03.11.2017, 15.12.2017, 23.02.2018 and 29.03.2019 besides issuance of dasti notice(s) on 15.12.2017 and 23.02.2018. On 17.01.2020, fresh dasti notice was issued for 21.04.2020.

As per office report dated 23.08.2022, dasti notice was not collected by the office of learned counsel for the petitioner. CM No.12134-CII of 2022 was filed for issuance of notice with dasti process to serve the respondent. The said application was allowed by this Court on 28.09.2022 by passing the following

order:-

“As per office report, dasti notice has not been collected by learned counsel for the petitioner in pursuance of order dated 17.01.2020.

The present application has been filed for issuance of fresh summons with dasti process to serve the respondent.

Since the main case is already fixed for 04.11.2022, therefore, the prayer can be accepted. Petitioner may file requisite process fee and fresh/correct address of the respondent within 03 days. On doing so, dasti process be issued for the service of respondent for 04.11.2022, i.e. the date already fixed in the main case.”

The case could not be taken up on 04.11.2022 and the same was adjourned for today. Office report dated 03.11.2022 would show that dasti notice issued to the respondent was not received back. Further, office report dated 15.11.2022 would show that notice(s) issued to the respondent on both the addresses have been received back unserved with the report that no such firm is existing on the given address.

Vide order dated 19.05.2022 passed in Special Leave Petition (Civil) No.5306 of 2022, the Hon'ble Apex Court has directed that all pending applications under Section 11(5) and 11(6) of the Arbitration Act and/or any other application either for substitution of Arbitrator and/or change of Arbitrator, which are pending for more than one year from the date of filing, must be decided within six months from that day i.e. 19.05.2022.

Evidently the present petition was filed in the year 2017 and till date the respondent has not been served despite issuance of dasti notice(s) on repeated occasions. No effort has been made by the petitioner to serve the respondent even by means of substituted process.

In view of above, this Court has no alternative but to dismiss this petition for want of prosecution.

Dismissed for want of prosecution.

November 16, 2022	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No