

238

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

ARB No. 315 of 2017 (O&M)
Date of Decision: 12.10.2022

M/s Baba Estates and Colonizers and another

-Petitioners

Versus

M/s Unique Enterprises and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: None.

RAJ MOHAN SINGH, J. (Oral)

Petitioners have preferred this writ petition under Section 11 (6) of the Arbitration and Conciliation Act, 1996 for appointment of an independent arbitrator.

Notice of motion was issued on 15.12.2017. Till date, service has not been effected upon the respondents. On 05.03.2020, learned counsel for the petitioners sought time to file an appropriate application to serve the respondents by way of substituted service. For that purpose, the case was adjourned. On 17.05.2022, following order was passed:-

“Learned counsel for the applicants had taken time to initiate necessary steps for serving respondents.

As per office report, necessary steps have

not been taken.

Today, there is no representation on behalf of the applicants.

In the interest of justice, adjourned to 21.09.2022.

Learned counsel for the applicants be notified of the date fixed. In case necessary steps are not taken within four weeks, this petition may be dismissed on this count.”

As per office report, learned counsel for the petitioners has not taken any steps to serve the respondents.

In view of directions issued by the Hon'ble Apex Court in Special Leave Petition (Civil) No.5306 of 2022, all pending applications under Section 11(5) and 11(6) of the Arbitration Act/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 19.05.2022.

None has appeared on behalf of the petitioner.

In view of directions already issued by the Hon'ble Apex Court, no further adjournment is to be granted.

Dismissed for non-prosecution.

12.10.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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