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

**ARB No.416 of 2021 (O&M)
Date of Decision: 16.09.2022**

M/s Girnarsoft Automobiles Pvt. Ltd.Petitioner

Vs

Bhavna Automobiles Pvt. Ltd. and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Sachin Ohri, Advocate
for the petitioner.

None for the respondents.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has preferred this petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter to be referred as 'the Act') for the appointment of an independent sole Arbitrator for adjudicating the dispute between the parties.

[2]. Notice of motion was issued on 10.08.2021 by passing the following order:-

“Inter-alia submits that as per Clause 12(e) of the Memorandum of Understanding (Annexure P-2), there is provision to nominate an Arbitrator. Further submits that in pursuance of notice dated 09.04.2021 (Annexure P-3), the petitioner has appointed Mr.

Parminder Singh Raghav, Advocate, District and Sessions Court, Gurugram to act as its Arbitrator.

Notice of motion for 28.09.2021.

*August 10, 2021
Sachin M.*

*(G. S. SANDHAWALIA)
JUDGE”*

[3]. Thereafter, notices issued to the respondents were not received back served or otherwise. Ultimately, on 18.07.2022, order was passed in the following manner:-

“Following order was passed on 15.02.2022:-

“This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

As per office report, fresh notice issued to the respondents for today has not been received back served or otherwise but it is reported that previous notice which was issued for 28.09.2021 stands served upon the respondents. None has however appeared on behalf of the respondents today.

By way of abundant caution, let fresh notice be issued to the respondents, for 30.03.2022 and by way of Registered A.D as well.”

As per office report, notice issued to the respondents has not been received back served or otherwise. Intimation/notice through email has been forwarded to the respondents as per report.

However, none appears on behalf of the respondents.

List for arguments on 14.09.2022.

(LISA GILL)
JUDGE”

July 18 , 2022.
'om'

[4]. Till date, the respondents have not appeared in this case. On 18.07.2022, the case was adjourned for arguments.

[5]. Learned counsel for the petitioner submits that the contract agreement is having Arbitration Clause 12(e) and the dispute has to be adjudicated in terms of aforesaid clause. Petitioner has already proposed the name of Mr. Parminder Singh Raghav, Advocate, District and Sessions Court, Gurugram to be appointed as an Arbitrator to settle the dispute.

[6]. There is no denial to the legal notice and reply to the present petition.

[7]. In view of above, I hereby appoint Mr. Parminder Singh Raghav, Advocate, District and Sessions Court, Gurugram as the sole Arbitrator, to resolve the dispute/difference between the parties. The appointment of the Arbitrator shall be subject to the declaration to be made by him as required under Section 12 of Arbitration and Conciliation Act, 1996 in respect of his independence and impartiality to settle the dispute between the parties.

[8]. The Arbitrator is requested to complete the proceedings

within the specified time in terms of Section 29-A of the said Act.

The Arbitrator shall be paid fee in accordance with the IVth Schedule of the Act as amended from time to time. The fee shall be borne by the petitioner and respondents in equal proportion.

[9]. The venue of the Arbitration shall be the place to be disclosed by the Arbitrator according to his convenience.

[10]. A copy of this order be dispatched to Mr. Parminder Singh Raghav, Advocate, District and Sessions Court, Gurugram.

[11]. Petition stands disposed of accordingly.

16.09.2022

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No