

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

ARB-16-2019 (O&M)
Date of Decision:-01.09.2023

Uttar Haryana Bijili Vitran Nigam LtdPetitioner

Versus

M/s Sundaram Electricals Pvt. Ltd. ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prateek Mahajan, Advocate with
Mr. Vasu Gupta, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. Respondent stands duly served, but none has put in appearance on behalf of the respondent.
2. The matter was called couple of times in pre-lunch session, but none has caused appearance on behalf of the respondent. Even in the post-lunch session none has appeared on behalf of the respondent. The respondent, as such, has been proceeded against *ex parte*.
3. The instant application has been filed under the provisions of Section 11(6) read with Section 15(2) of the Arbitration and Conciliation Act, 1996, seeking substitution of the Arbitrator Mr. Justice Darshan Singh, a former Judge of this Court, who had been appointed by this Court vide order dated 15.12.2017. It appears that subsequently the Arbitrator sent a request for recusal on account of his full time assignment as Chairman, Haryana Real Estate Appellate Tribunal. It has been informed that the term of assignment of Mr. Justice Darshan Singh, as a Chairman is already over and that the

petitioner has no objection in case Mr. Justice Darshan Singh, former Judge of this Court is again formally nominated as an Arbitrator in the instant case.

4. In view of the aforestated position, the instant application is allowed and it is ordered that Mr. Justice Darshan Singh, former Judge of this Court who had earlier been ordered to be appointed as Arbitrator is again appointed as an Arbitrator. However, such appointment would be subject to the declaration to be made by Mr. Justice Darshan Singh, under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.
5. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.
6. The venue for the Arbitration shall be at Arbitration Centre, Chandigarh or at any other place convenient to all concerned.
7. After seeking convenience of the Arbitrator, the parties are directed to appear before him on 26.9.2023 at 11:00 A.M. or any other date suitable to all concerned.
8. A copy of this order be sent to the appointed Arbitrator at the given address :

H.No. 56, Sector 16-A,
Chandigarh
Phone No. 08558809940
9. The petition is accordingly disposed of in the above mentioned terms.

01.09.2023

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No