

2023:PHHC:117302

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

ARB-3-2020 (O&M)
Date of Decision:-1.9.2023

Tarundeep Singh

... Petitioner

Versus

M/s Tezz Logistics and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dinesh Trehan, Advocate for the petitioner.

Respondents are proceeded against *ex parte*.

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 11(5) of Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator so as to adjudicate on the dispute between the parties.
2. The parties had entered into an agreement/partnership deed dated 5.1.2019 (Annexure P-2), whereby both the parties were agreed to carry on business of transportation of goods by road and other allied logistic services under the name and style of 'M/s Tezz Logistic'. As per Clause - 17 of the agreement/partnership deed dated 5.1.2019 (Annexure P-2), the disputes, if any, arising between the parties were to be settled by way of arbitration.
3. A dispute having arisen, the petitioner served notice dated 4.9.2019 (Annexure P-1) upon the respondents to appoint an Arbitrator. On failure of respondents to do the needful, the instant petition has been filed.

4. It is the case of the petitioner that he had nominated his Arbitrator namely Shri Munish Puri, Advocate, Office-cum-residence address 243, Sector-6, Eco City-1, New Chandigarh and also issued notice to the respondents for nominating Arbitrator on their behalf, but to no avail, leading to filing of the instant petition. It has been submitted that under these circumstances, an Arbitrator may be appointed for adjudication of dispute.
5. The respondents have already been proceeded against *ex parte* vide order dated 11.5.2023.
6. In view of the aforestated position, particularly the fact that there exists an arbitration clause in agreement/partnership deed dated 5.1.2019 (Annexure P-2) and requisite notice had been duly served upon the respondents but the respondents despite service have chosen not to appear and already proceeded against *ex parte* and that there is nothing on record to disentitle the petitioner from invoking arbitration, the petition merits acceptance.
7. Accordingly, Shri B.M. Bedi, District & Sessions Judge (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Shri B.M. Bedi, District & Sessions Judge (Retd.) under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.
8. 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.
9. As per agreement expressed by learned counsel for the petitioner, for the sake of the convenience of his respective client, as also of the Arbitrator, the

venue for the Arbitration shall be at Arbitration Centre, Chandigarh or at any other place convenient to all concerned.

10. After seeking convenience of the Arbitrator, the parties are directed to appear before him on 30.9.2023 at 11:00 A.M. or any other date suitable to all concerned.

11. A copy of this order be sent to the appointed Arbitrator at the given address :

H. No. 22, Sector - 4,

Panchkula.

Phone Nos.0172-4173603, 80543-81862 .

12. The petition is accordingly disposed of in the above mentioned terms.

1.9.2023

Pankaj

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No