

2023:PHHC:161347

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

ARB-76-2023 (O&M)
Date of Decision:-15.12.2023

Hemant Kumar ... Petitioner
Versus
Varun Mishra and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prateek Sodhi, Advocate for the petitioner.
None for the respondents.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking appointment of an Arbitrator in terms of provisions of Section 11(6) read with Section 12(5) of Arbitration and Conciliation Act, 1996.
2. None had put in appearance on behalf of the respondents on the last date despite having been served. Even today, there is no representation on behalf of the respondents. The respondents, as such, are proceeded against *ex parte*.
3. It is the case of the petitioner that agreement dated 11.6.2020 (Annexure P-1) specifically provided for resolving of dispute amongst partners by way of arbitration. It is further the case of the petitioner that although the petitioner

had invoked arbitration and had issued notice dated 7.12.2022 (Annexure P-2) to the respondents, but to no avail.

4. Having heard the learned counsel representing the petitioner and having regard to the specific provisions for resolving of disputes by way of arbitration in the agreement dated 11.6.2020 (Annexure P-1) and also having regard to the averments made in the petition, which remain un-controverted as the respondents have not chosen to contest the same, the instant petition merits acceptance and is hereby accepted.
5. Accordingly, Justice Rajiv Sharma, Former Judge of this Court is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Justice Rajiv Sharma, Former Judge of this Court under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.
6. 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.
7. The Arbitrator shall conduct proceedings at Chandigarh or at any other place convenient to all concerned.
8. After seeking convenience of the Arbitrator, the parties are directed to appear before him on 9.1.2024 at 11:00 A.M. or any other date suitable to all concerned.
9. A copy of this order be sent to the appointed Arbitrator at the given address :

House No. 505 (Backside First Floor),
Sector 36-B, Chandigarh 160036.
Phone Nos.98167-00002, 0172-2925005

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

15.12.2023
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No