

2023:PHHC:160523

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

ARB-238-2023 (O&M)
Date of Decision:-14.12.2023

M/s Nitson & Amitsu Private Limited ... Petitioner

Versus

M/s G.P. Realtors ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Bhagat, Advocate with
Ms. Arzoo Raj, Advocate,
for the petitioner.

None for the respondent.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking appointment of an Arbitrator in terms of provisions of Section 11(5) of Arbitration and Conciliation Act, 1996.
2. None had put in appearance on behalf of the respondent despite having been served. Even today, there is no representation on behalf of the respondent. The respondent, as such, is proceeded against *ex parte*.
3. It is the case of the petitioner that an agreement dated 1.5.2016 (Annexure P-1) had been entered into between the petitioner as well as the respondent as

per which the petitioner was to execute facade package for the buildings, which the respondent was constructing/developing. It is further the case of the petitioner that the agreement specifically provided for resolution of dispute by way of arbitration and that a dispute having arisen the petitioner invoked arbitration by way of serving notice dated 24.4.2023 (Annexure P-11), but to no avail.

4. Having heard the learned counsel representing the petitioner and having regard to the specific averments made in the petition as noticed above, which remain un-controverted as the respondent has not chosen to contest the same, the instant petition merits acceptance and is hereby accepted.
5. Accordingly, Justice Rameshwar Singh Malik, 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 Rameshwar Singh Malik, 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 Gurugram 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 :

#280, Advocate Society,

Sector 49-A, Chandigarh.
Phone Nos.0172-4066444 (R), 78370-49206.

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

14.12.2023
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No