

**218 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
ARB-555-2021
Date of Decision: 10th March, 2023**

Orient Craft Ltd.

... Petitioner

Versus

Nuvo Home Fashion Private Ltd.

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vineet Sehgal, Advocate for the petitioner.
Mr. Rahul Soi, Advocate for
Mr. Prateek Gupta, Advocate
for the respondent.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 has been filed for appointment of an independent arbitrator.

Learned counsel for the respondent relies upon the decision of this Court passed in ARB-176-2022 decided on 1st February, 2023.

Learned counsel for the petitioner is not in a position to dispute the similarity between the case in hand and in ARB-176-2022 which was disposed of by passing the following order :-

"1. This is a petition under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') for appointment of Sole Arbitrator for adjudication of disputes between the parties.

2. The brief facts are that petitioner company was engaged in the business of manufacturing of garments and had given purchase orders to the respondent.

3. Learned counsel for the petitioner place reliance upon clause 12 of the Purchase order to submit that there is a dispute between the parties and to decide the claim of the petitioner an independent Arbitrator to be appointed.

4. Learned counsel for the respondent oppose the prayer and submits that there is no arbitration clause that dispute between the parties would be settled through

arbitration.

5. *For ready reference clause 12 is reproduced below:-*

“12. Pls confirm receipt Purchase Order and send back to us singed copy with acceptance of all terms and conditions.

Note: In the event of dispute the Jurisdiction for the arbitration will be Gurgaon (Haryana), India and matter relating to the dispute may also be referred to Forum of Consumers rights in India at the discretion of the buyer.”

6. *Note to Clause 12 is unambiguous that in case of a dispute, the jurisdiction will be at Gurgaon. It only defines the jurisdiction in case of a dispute but there is no clause in consonance with Section 7 of the Act that parties have agreed to submit to arbitration for settlement of disputes.*

7. *In view of the clear language of Clause 12 and its note, no case is made out for issuing directions for appointment of arbitrator, the petition is dismissed.*

8. *Needless to say that petitioner would be at liberty to avail remedies in accordance with law.”*

The present petition is disposed of in the same terms as in ARB-176-2022.

Since the main case has been decided, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

10th March, 2023

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No