

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

ARB Case No. 418 of 2022 (O&M)

DECIDED ON: 6th February, 2023

Phoennix Clearing and Forwarding Private Limited

.....PETITIONER

VERSUS

Steelcase Asia Pacific Holdings India Private Limited

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Anshul Jain, Advocate for petitioner.

Mr. Sameer Bindra, Advocate,
Mr. Chakrapani Misra, Advocate,
Ms. Shreya Mohapatra, Advocate,
Mr. Viren Sibal, Advocate for respondent.

AVNEESH JHINGAN, J (ORAL)

CM-2308-CII of 2023

Application is allowed as prayed for subject to just exceptions.

Main case

This is a petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short 'the Act'), for appointment of an arbitrator.

The reliance of the learned counsel for petitioner for appointment of arbitrator is on agreement dated 17.3.2017 entered between Steelcase Aisa Pacific Holdings India Pvt. Ltd., at Indospace Rohan Industrial Park, Village Mhalunge, off Chakan-Talegaon Road, Pune-410501, Maharashtra, India (hereinafter "Steelcase") and Phoennix Clearing and Forwarding Pvt. Ltd., with offices located at 1st Floor, J.A.B. Complex, Meenakunte Hosur, NH-7, Opp. ITC Factory, Jala Hobli, Doddajala Post, Devanahalli, Bangalore-562157 (hereinafter "Forwarding Agent and/or Customs Broker").

The agreement was for appointing petitioner as a Forwarding Agent and/or Customs Broker for shipping the Cargo at the direction of Steelcase.

During the course of hearing, a specific query was put to learned counsel for the petitioner as to whether there is an arbitration clause in the agreement, he failed to point out any mechanism agreed between the parties for dispute settlement through arbitration.

Learned counsel for respondent submits that the agreement was not signed by the respondent-party as is evident from the signature at Page 29, Annexure P-1(annexed with this petition).

In absence of any arbitration clause in the agreement relied upon by learned counsel for petitioner, no case is made out for issuing direction under Section 11(6) of the Act for appointment of arbitrator.

The petition is dismissed.

Since the main case has been dismissed, pending application, if any is rendered infructuous.

6th February, 2023

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>