

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

288

ARB-35-2018 (O&M)
Date of decision: 20.02.2024

Rattan and Company, Guru Nanak Market, Hisar

...Petitioner

VERSUS

Halonix Technologies Private Limited, B-31, Phase-II, Noida, District
Gautam Budh Nagar.

...Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Ms. Aarti Sharma, Advocate for
Mr. Shalender Mohan, Advocate for the petitioner.

Mr. Abhimanyu Rathee,
Authorized Representative of the respondent- in person.

VINOD S. BHARDWAJ, J. (Oral)

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an independent Arbitrator.
2. Learned counsel for the petitioner contends that the applicant is a registered Company having earned good reputation in market and duly appreciated by the other manufacturer companies. The respondent-company was impressed by the high status and honest business dealing of the petitioner-company and an agreement was executed between the petitioner and the respondent on 30.05.2015 as per the terms and conditions that were mutually acceptable. The petitioner was allowed to become a super stockiest of the respondent-company for the purposes of selling out of LED,

CFL, Tube-lights etc. in the Hisar zone. After the first agreement dated 30.05.2015, the second agreement dated 29.01.2016 was executed between the parties. The terms and conditions thereof were fully complied with by the petitioner. The goods/items along with bill were being continuously received and maintained by the petitioner in stocks and the relationship proceeded smoothly, however, there were certain disputes as regards the defected items to be replaced by the respondent. The petitioner claims that all the defected items were to be replaced by the company and even the items already sold but fell under the guarantee norms were to be replaced. The respondent stopped honoring its commitments and obligations and also stopped supply w.e.f. February-2017 without giving any reason of cause. Consequently, a notice was served by the petitioner-company on respondents to refer the dispute to Arbitration in terms of Clause 26 of the agreement executed between the parties. Failing any consensus, the present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an Independent Arbitrator.

3. Pursuant to notice Mr. Abhimanyu Rathee, Authorized Representative of the respondent, has entered appearance and does not dispute the relationship between parties and the execution of the agreement which contains an arbitration clause. He contends that the respondent-Company would have no objection to the appointment of an Independent Arbitrator subject to the jurisdiction being vested at the place as agreed upon between the parties. A prayer is thus made that since the registered office of the company is situated in Noida, an Arbitrator in the NCR region may be so appointed.

4. Without commenting on the merits of the case and with the consent of the parties, the present petition is allowed. Mr. C.B. Jaglan, District & Sessions Judge (Retired), Mob. No. 99990-56150 is hereby appointed as a Sole Arbitrator to adjudicate the dispute. The nominated Arbitrator shall furnish a declaration in terms of Section 12 of the Arbitration and Conciliation Act, 1996 and the Schedule attached as regard non-alignment and affiliation to any of the parties. The fee of the Arbitrator shall be determined in terms of the Schedule 4 of the Arbitration and Conciliation Act, 1996. The duration for completion of arbitration proceedings shall be in terms of Section 29-A of the Arbitration and Conciliation Act, 1996. The venue of arbitration may be determined by the Arbitrator. The venue shall however not vest jurisdiction and the same shall be determined by the contract already executed between the parties.

5. Parties are directed to appear before the learned Arbitrator on any date, time and place to be fixed by him at his convenience.

6. Copy of the order be sent to the appointed arbitrator.

(VINOD S. BHARDWAJ)
JUDGE

20.02.2024

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No