



ARB-24-2024

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

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ARB-24-2024

Date of Decision: 20.11.2024

Deepak Khanna and another

...Applicant

Versus

Ferrous Infrastructure Private Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Ms. Seema Tiwari, Advocate and
Mr. Jitender Tiwari, Advocate for the applicants
None for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicants are seeking appointment of an Arbitrator.

2. Despite service, the respondent did not join proceedings on 25.09.2024 and in the interest of justice, the matter was adjourned awaiting representation. Even today, there is no change in the situation. It appears that the respondent has opted to abstain from joining the proceedings before this Court. The matter is pending before this Court since January' 2024 and it cannot be kept pending for indefinite period especially when the prayer in the application is confined to appointment of an Arbitrator who ultimately would adjudicate rights and liabilities of the parties. Thus, this Court is left with no option except to adjudicate the case.



3. The parties entered into agreement dated 09.09.2008 (Annexure P-1). A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The applicants served legal notice dated 27.10.2023 (Annexures P-14) upon the respondent invoking arbitration clause of the agreement, however, the respondent did not act upon the said notice within the prescribed period.

4. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

5. Mr. Justice Rameshwar Singh Malik, Retired Judge of this Court, residing at B-13, Mayflair Gardens, Hauz Khas, August Kranti Marg, New Delhi, Mobile No.7837049206 is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements. The learned Arbitrator is requested to comply with mandate of Section 12 of 1996 Act before proceeding further.

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

7. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

8. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the Act.

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9. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.

10. A request letter along with copy of this order be sent to Mr. Justice Rameshwar Singh Malik.

(JAGMOHAN BANSAL)**JUDGE****20.11.2024***Mohit Kumar*

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