

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB-64-2023

Date of decision:-23.01.2024

GHV Advanced Care Pvt. Ltd.

...Petitioner

Versus

Phoenix Hospital

...Respondent

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Sahil Khunger, Advocate
for the petitioner.

None for the respondent.

SUVIR SEHGAL, J.(ORAL)

1. By way of instant petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short "the Act"), petitioner has approached this Court for appointment of an arbitrator.

2. Counsel for the petitioner submits that an agreement dated 28.06.2021, Annexure A1, was entered into between the petitioner and the respondent, which contains a provision for resolution of dispute by arbitration. He has made a reference to clause 19 of the Agreement. He submits that a dispute arose between the parties and petitioner served a legal notice dated 28.09.2022, Annexure A3 for recovery of money, which was followed by notice dated 26.10.2022, Annexure A4 invoking arbitration clause. He submits that no response was received to any of the two notices.

109

3. Upon issuance of notice by this Court, respondent has been duly served and no one has put in appearance on its behalf. The petition, therefore, is uncontested.

4. As the respondent has not come forward to contest the prayer made in the petition, it is allowed. Dr.Shiva Sharma, District & Sessions Judge (Retd.), r/o House No.195, Sector 56 (HUDA), Gurugram – 122011, Haryana, is appointed as the sole Arbitrator to adjudicate the dispute between the parties, subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to adjudicate the dispute between the parties.

5. Parties are directed to appear before the Arbitrator on 27.02.2024 at 11:00 A.M. at the address mentioned above or at any other place to be fixed by the Arbitrator.

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

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

8. Needless to mention, respondents will be at liberty to raise all the pleas before the Arbitrator.

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

(SUVIR SEHGAL)
JUDGE

23.01.2024

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No