

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2024:PHHC:010760
ARB-464 of 2021 (O&M)
Date of decision: 25.01.2024

AXALTA COATING SYSTEMS PVT. LTD. ..PETITIONER

VS.

EXCEL AUTOVISTA PVT. LTD. ..RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Manpreet Kaur, Advocate
for Mr. A.S. Narang, Advocate
for the petitioner.

None for the respondent.

SUVIR SEHGAL, J.(ORAL)

1. By way of present petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, petitioner has approached this Court for appointment of an Arbitrator.

2. Counsel for the petitioner submits that a Supply Agreement dated 28th June, 2016 (Annexure P-1) was entered into between the parties and some dispute arose between them. She has made a reference to letter dated 22.08.2017 (Annexure P-3) addressed to the respondent whereby demand for payment was made. She submits that a legal notice invoking arbitration clause 12 of agreement (Annexure P-1), was issued on 5th December, 2018 (Annexure P-4) and despite the fact that it has been served, respondent had kept silent.

3. Despite service, there is no representation on behalf of the respondent and by order dated 17.03.2023, respondent was proceeded against *ex parte*. As such, there is no opposition to the petition.

4. In view of the above, petition is allowed.

5. Mr. G.K. Dhir, District & Sessions Judge (Retd.), H.No. 572, Old Sunny Enclave, Behind Gurudwara Sahib, Sector 123-125, Kharar, District SAS Nagar (Mohali).(9815739308 and 8558803501 Mobile Numbers) is appointed as an Arbitrator to adjudicate the disputes and differences between the parties.
6. Parties are directed to appear before the Arbitrator on 28.02.2024 at 11:00 A.M. at the address mentioned above or at any other place to be fixed with the consent of the parties.
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.
9. It is clarified that the reference shall be subject to the petitioner's complying with all the requirements of the agreement.
10. Copy of the order be sent to the appointed arbitrator.
11. Liberty is granted to the parties to make a request before the Arbitrator for conducting proceedings through video conferencing.

January 25, 2024
Poonam Sharma

(SUVIR SEHGAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No