



ARB-599-2021 (O&M)

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

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ARB-599-2021 (O&M)
Date of Decision: 22.10.2024

Essel Housing Projects Private Limited

...Applicant

Versus

Prabha Sood

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Himanshu Gupta, Advocate and
Mr. Ritvik Garg, Advocate for the applicant

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 applicant is seeking appointment of an Arbitrator.

2. Despite service, the respondent has opted to abstain from joining the proceedings before this Court. The matter is pending before this Court since January' 2022 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 an agreement dated 05.02.2013 (Annexure P-2). A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The applicant, in terms of Section 21 of the 1996 Act, served notice dated 15.01.2020 (Annexure P-8) upon the



respondent and proposed the name of Mr. M.C. Mehra as Arbitrator. However, the respondent did not agree to the aforesaid arrangement.

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. S.C. Goyal, District & Sessions Judge (Retd.), residing at Flat No.204, Tower 2, Malibu Town, Sector 47, Sohna Road, Gurugram, Mobile No.9813204570 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 is entitled to fee in accordance with the Fourth Schedule of the Act, as amended, however, he, in view of large number of connected/similar matters, is requested to take care of quantum of fee to be charged from the respondent.

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

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. Pending application(s), if any, shall stand disposed of.

11. A request letter along with copy of this order be sent to Mr. S.C. Goyal.

(JAGMOHAN BANSAL)

JUDGE

22.10.2024

Mohit Kumar

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