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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB-114-2022

Date of decision:-24.01.2024

Mahindra HZPC Private Ltd.

...Petitioner

Versus

Mr.Kamaldeep Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Angel Sharma, Advocate
for the petitioner.

Mr.Sanjeev K. Sharma, Advocate for
Mr.Shakti Mehta, Advocate
for the respondent.

SUVIR SEHGAL, J.(ORAL)

1. By way of instant petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (for short "the Act"), petitioner has approached this Court for appointment of an Arbitrator to adjudicate the disputes between the parties, which have arisen out of Potato Multiplication Agreement dated 28.10.2019, Annexure P3.

2. Arbitration Clause is provided in Clause 26 of agreement. Petitioner has served a notice dated 17.09.2021, Annexure P4 invoking the arbitration clause, however no response has been received from the respondent.

3. By order dated 19.10.2023, respondent was proceeded against ex-parte. Counsel for the respondent has instructions to submit

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that the respondent does not oppose the prayer made in the petition and has no objection in case an Arbitrator is appointed.

4. I have heard counsel for the parties and considered their respective submissions.

5. Accordingly, petition is allowed. Sh.Bal Krishan Mehta, District & Sessions Judge (Retd.), House No.5601, Sector 38 (W), Chandigarh, (M: 8872419600), 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.

6. 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.

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

10. Copy of the order be sent to the appointed learned Arbitrator.

(SUVIR SEHGAL)
JUDGE

24.01.2024

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No