

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

241

ARB-174-2022 (O & M)
Date of decision:21.03.2024

S K LUBRICANTS AND OILS INDIA PVT LTD ...PETITIONER

VS.

KHANUJA AUTOMOBILES

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Anuj Arora, Advocate &
Ms. Aakriti Mittal, Advocate for the petitioner.

Respondent proceeded against ex-parte.

SUVIR SEHGAL J. (ORAL)

1. Instant petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator.

2. Counsel for the petitioner submits that a warehouse and storage service cum rent agreement dated 09.11.2017, Annexure P-A, was entered into between the petitioner and the respondent, which contains Clause 14 and it provides that disputes or differences between the parties are to be settled by way of an arbitration at Gurugram. Counsel submits that a dispute arose between the parties and notice dated 04.08.2020, Annexure P-F, was served upon the respondent by email. He submits that the respondent by its response sent on the same

date (at page 58 of the paper-book) has objected to the appointment.

3. Notice of the petition was issued to the respondent, however, despite causing appearance through a counsel, respondent has not filed the reply and by order dated 12.02.2024 was proceeded against ex parte. As such there is no opposition to the petition.

4. In view thereof, prayer made in the petition is accepted.

5. Petition is allowed. Mr. R.S. Virk, District & Sessions Judge (Retd.), H-7, Aaron Ville, Fazilpur Road, Sector 48, Gurgaon, Mobile No.09582255555, 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 learned Arbitrator on 22.04.2024 or on any day, time and place to be fixed and communicated by the learned 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.

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

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

21.03.2024
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No