

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(250)

ARB-195-2022

Date of decision:- 08.02.2024

Trexquant (India) Business, Consulting LLP

... Petitioner

Versus

Garage Co-work Pvt. Ltd.

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Nikita Garg, Advocate for
Mr. Shashank Shekhar Sharma, Advocate for the petitioner.

None for the respondent.

SUVIR SEHGAL, J. (ORAL)

1. By this petition filed under Section 11 (5) and 11 (6) 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 26.03.2019, Annexure-A, was entered into between the parties and Clause 25, thereof, provides for resolution of dispute by way of an appointment of an Arbitrator. Counsel submits that the contract was prematurely terminated by the respondent and a dispute arose between the parties. Counsel submits that the petitioner has served a notice dated 20.10.2020, Annexure-G, to which the respondent submitted a reply dated 20.11.2020, Annexure-H, admitting the agreement as well as the Arbitration Clause, but the Arbitrator was never appointed. Counsel submits that the petitioner had also filed a petition under Section 9 of the Act, which was accepted by the learned Additional District Judge, Gurugram by order dated 12.03.2022,

Annexure-K, and the bank account of the respondent was attached to the extent of Rs.36,63,000/- for a period of 90 days.

3. I have heard counsel for the petitioner.
4. Notice of the petition was served on the respondent. Affidavit of service has been filed by the petitioner. By order dated 25.01.2024, on account of non-appearance of the respondent, it was proceeded ex-parte. As such, there is no opposition to the petition, which deserves to be accepted.
5. Accordingly, petition is allowed. Sh. V.K. Maheshwari, H. No. 85, Sector 30, Gurugram, Haryana-122001, Mobile No. 9910384671, a former Principal Judge, Family Court, 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. The date, time and place for appearance shall be fixed and communicated by the 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 appointed Arbitrator.

(SUVIR SEHGAL)

JUDGE

08.02.2024

Kamal

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