

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

241

ARB-372-2021

Date of decision:09.04.2024

NISSIN ABC LOGISTICS PVT LTD

...PETITIONER

VS.

M/S KIRAN UDYOG PVT. LTD.

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. T.S. Khaira, 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 with a prayer for appointment of a sole Arbitrator.

2. Counsel for the petitioner submits that two agreements, Annexures P-1 and P-2, were entered into between the parties and both the agreements contain independent arbitration clauses. He submits that when a dispute arose between the parties, petitioner invoked the arbitration clause by serving legal notice dated 14.05.2021, Annexure P-11, but the notice has remained unattended. He has requested that although the arbitration clauses provide for appointment of an arbitral tribunal consisting of three members, but in order to save expenses as the claim is approximately Rs.48 lacs, sole Arbitrator be appointed.

3. Upon notice, respondent appeared through Mr. R.K. Girdhar, Advocate, however, no response was filed despite imposition of cost.
4. I have heard counsel for the petitioner and considered his submission. Neither any response has been filed nor there is any appearance on behalf of the respondent even though as per office report, notice has been served upon the counsel pursuant to the previous order. As such, there is no opposition to the petition.
5. Accordingly, petition is allowed. Sh. Raj Kumar, District & Sessions Judge (Retd.), # S-18/1A, DLF Phase-3, Gurugram, Mobile No.9996746664, 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 10.05.2024 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.

09.04.2024

(SUVIR SEHGAL)
JUDGE

sheetal

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