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

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Date of Decision: 03.09.2024

Madhu Uppal and another

...Applicants

Versus

M/s Genesis Infratech Pvt. Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Ms. Promila Nain, Advocate and
Ms. Isha Dhingra, Advocate for the applicants

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicants are seeking appointment of an Arbitrator.

2. Despite service there is no representation of the respondents. The matter is pending before this Court since 2023 and it cannot be kept pending for indefinite period especially when there is limited prayer to make appointment of an Arbitrator. Thus, this Court is left with no other option except to pass order on the basis of available record.

3. The applicants entered into a Memorandum of Understanding (for short '**MOU**') dated 27.01.2020 (Annexure P-2) with the respondent. Thereafter, the parties entered into agreement dated 28.01.2020

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(Annexure P-4) with the respondent. There is an arbitration clause in the aforesaid MOU. The applicant, in terms of Section 21 of 1996 Act, served notice (Annexure P-6) upon the respondent. The respondent did not act upon the said notice within the prescribed period.

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. Sushil Kumar Gupta, District & Sessions Judge (Retd.), residing at Flat 3B, Building 3, The Hibiscus, Sector 50, Gurugram, Mobile No.8053011222 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 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, 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.



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10. A request letter along with copy of this order be sent to Mr. Sushil Kumar Gupta.

(JAGMOHAN BANSAL)
JUDGE

03.09.2024

Mohit Kumar

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