

ARB-417-2021(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB-417-2021(O&M)
Date of decision:-24.01.2024

M/s Girnarsoft Automobiles Pvt. Ltd.

...Petitioner

Versus

M/s Agarwal Car Transport Pvt. Ltd. and ors.

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Mandeep Singh Bedi, Senior Advocate with
Mr.Manpreet Singh, Advocate
for the appellant.

Respondents ex-parte vide order dated 28.11.2023.

SUVIR SEHGAL, J.(ORAL)

1. By way of instant petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short "the Act"), petitioner has approached this Court for appointment of an Arbitrator to settle the dispute between the parties.

2. Learned Senior counsel for the appellant submits that parties entered into a written agreement dated 20.05.2019, Annexure P2, which was duly signed by both the parties. He submits that Clause 13 of

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the agreement provides for resolution of a dispute by way of appointment of a sole arbitrator. He submits that dispute arose between the parties and the petitioner initially filed a petition under Section 9 of the Act before the competent Court at Gurugram, which was partly allowed by order dated 07.07.2021, Annexure P7. He submits that the petitioner invoked the arbitration clause by serving legal notice dated 07.10.2020, Annexure P6 but there is no response to the notice.

3. Respondents have been duly served and by order dated 28.11.2023 passed by this Court, they have been proceeded against ex-parte. As such, there is no opposition to the petition.

4. In view of the above, this Court has no hesitation in accepting the prayer made in the petition.

5. Accordingly, petition is allowed. Mr. Justice Darshan Singh, a former Judge of this Court, r/o House No.56, Sector-16-A, Chandigarh, M: 08558809940 is appointed as the sole Arbitrator to adjudicate the dispute between the parties, subject to declaration to be made under Section 12 of the Act with regard to her independence and impartiality to adjudicate the dispute between the parties.

6. Parties are directed to appear before the learned Arbitrator on the date, time and place to be fixed and communicated by the learned Arbitrator.

7. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.

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

9. Copy of the order be sent to the appointed Arbitrator.

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10. Pending miscellaneous application, if any, stands disposed of.

(SUVIR SEHGAL)
JUDGE

24.01.2024

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No