

*ARB-293-2023 (O&M)**-1-*

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

244**ARB-293-2023 (O&M)**

Date of Decision: 16.07.2024

Escorts Kubota Limited

... Petitioner

Vs

Ms. Kursia Khatun and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Dr. Anand K. Bishnoi, Advocate for the petitioner.

None for the respondents.

SUVIR SEHGAL, J. (ORAL)

1. By way of the present petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short 'the Act'), petitioner has approached this Court for appointment of a sole Arbitrator to adjudicate the dispute between the parties.

2. Counsel for the petitioner submits that the petitioner issued a letter of intent dated 02.12.2015, Annexure P-1, for provisional dealership in the name of respondent No.2 and an agreement dated 02.06.2016, Annexure P-2, was entered into between them. He submits that clause 10 of the agreement provides for resolution of disputes and differences between the parties through the medium of

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arbitration. Counsel submits that disputes arose between the parties as huge outstanding was due from the respondents. He submits that the respondents filed a petition under Section 9 of the Act before the District Court, Murshidabad, West Bengal, which was dismissed vide order dated 25.03.2021, Annexure P-6 as the court came to the conclusion that jurisdiction vests with the Principal Court at Faridabad. He submits that respondents filed an appeal before the High Court at Calcutta, which is pending. Counsel asserts that petitioner invoked the arbitration clause by serving a legal notice dated 25.05.2023, Annexure P-10, invoking the arbitration clause, but no response has been filed by the respondents.

3. Upon notice by this Court, respondents have been served. However, there is no representation on their behalf. The matter came up before this Court on 15.04.2024 and was adjourned to today to await response. However, neither the respondents have caused appearance nor they have filed any reply.

4. As there is no opposition to the petition, it is allowed.

5. Mr. K.C. Sharma, District & Sessions Judge (Retd.).BB-2, Villa-3, Ground Floor, VIP Floors, Sector 81, Faridabad, Haryana, Mobile No. 8930337700, 7988311414, is appointed as an Arbitrator to adjudicate the dispute between the parties.

6. Parties are directed to appear before the Arbitrator on 20.08.2024 at 11:00 am at the address mentioned above or at any



other place to be fixed by the Arbitrator.

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 will 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.
10. Copy of the order be sent to the appointed Arbitrator.

16.07.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

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