

ARB-500-2021

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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Date of decision:10.04.2024

ANON SECURITY SERVICES PVT. LTD. ...PETITIONER

VS.

THE OZONE PARK RESIDENT WELFARE ASSOCIATION AND
ORS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sanjiv Ghai, Advocate &
Mr. Parminder S. Kaul, Advocate for the petitioner.

**Respondents proceeded against ex-parte
vide order dated 13.05.2022.**

SUVIR SEHGAL J. (ORAL)

1. Instant petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, (for short “the Act”), for appointment of an Arbitrator to adjudicate the claims of the petitioner arising out of the contract agreement dated 11.10.2018, Annexure P-1.

2. By referring to the agreement, Annexure P-1, counsel for the petitioner submits that there is a provision for resolution of disputes by appointment of an Arbitrator. He submits that the petitioner had invoked the arbitration clause by serving notice dated 02.02.2021, Annexure P-7, upon all the respondents, however, it has remained unattended. He

submits that reply dated 18.02.2021 was received through a lawyer on behalf of Mr. R.K. Gupta, General Secretary (respondent No.3) stating that Mr. Gupta is no longer the office bearer of respondent No.1. He asserts that the other respondents have not given any reply to the notice.

3. Upon notice, respondents were served and appeared through a counsel. They sought adjournments, but did not file response despite imposition of costs. Eventually they were proceeded against ex-parte. As such, there is no opposition to the prayer made in the petition.

4. At this stage, counsel for the petitioner submits that although the arbitration clause provides for the appointment of Arbitral Tribunal consisting of three members, but as the claim is for a small amount, a sole Arbitrator be appointed.

5. His request is accepted.

6. Petition is allowed. Sh. K.C. Sharma, District & Sessions Judge (Retd.), # BB-2, VILLA-3, Ground Floor, VIP Floors, Sector 81, Faridabad, Mobile No.8930337700, 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.

7. Parties are directed to appear before the learned Arbitrator on 15.05.2024 at 11:00 AM or on any day, time and place to be fixed and communicated by the learned Arbitrator at his convenience.

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

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9. The arbitrator is requested to complete the proceedings as per

time limit specified under Section 29-A of the Act.
10. Copy of the order be sent to the learned arbitrator.
11. Pending application(s), if any, shall stand disposed of.

10.04.2024
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(SUVIR SEHGAL)
JUDGE

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