



ARB-342-2023

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

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Date of Decision: 03.09.2024

Rahul Dawra

...Applicant

Versus

Bhavesh Kukreja

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Tejveer Singh Saggu, Advocate for the applicant

JAGMOHAN BANSAL, J. (Oral)

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

2. As per office report, the respondent was not found at his address and his sister refused to accept the notice/summon, hence, notice/summon was affixed. Despite multiple opportunities, respondent has opted to refrain from joining proceedings before this Court.

3. 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.

4. The parties entered into partnership deed dated 01.09.2021 (Annexure P-1). There is an arbitration clause in the aforesaid partnership

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deed. The applicant served notice dated 10.03.2023 (Annexure P-3) upon the respondent wherein proposed name of Ms. Gulafsha Gupta, Advocate as Arbitrator. The respondent did not reply to the said notice and issued notice dated 15.05.2023 (Annexure P-4) proposing name of Mr. Kuldeep Singh, Advocate to preside over as Sole Arbitrator to adjudicate the dispute between them. The applicant vide its reply dated 03.06.2023 (Annexure P-5) rejected the proposal of the respondent. Hence, the present application.

5. 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.

6. Mr. R.S. Baswana, District and Sessions Judge (Retd.), residing at House No.437, Sector 21-C, Faridabad, Mobile No.9466594777 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.

7. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

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

9. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the Act.

10. 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.
11. A request letter along with copy of this order be sent to Mr. R.S. Baswana.

(JAGMOHAN BANSAL)

JUDGE

03.09.2024

Mohit Kumar

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