



ARB-348-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

276

ARB-348-2023

Date of Decision: 18.09.2024

Boldrocchi India Private Limited

...Applicant

Versus

Rohan Dyes & Intermediates Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Himanshu Joshi, 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 stands served. There was no representation of the respondent on the last date of hearing, thus, this Court vide order dated 08.08.2024 observed that in case of absence of respondent on the adjourned date, it would proceed *ex-parte*.

3. Even today, there is no representation of the respondent. Despite service, the respondent has opted to abstain from joining the proceedings before this Court.

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4. Despite knowing pendency of present application, the respondent is avoiding appearance. The matter is pending before this Court since 2023 and it cannot be kept pending for indefinite period especially when the prayer in the application is confined to appointment of an Arbitrator who ultimately would adjudicate rights and liabilities of the parties. Thus, this Court is left with no option except to adjudicate the case.

5. The parties entered into agreement dated 02.06.2021 (Annexure P/1). A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The applicant, in terms of Section 21 of 1996 Act, served notice dated 06.06.2023 (Annexure P-3) upon the respondent. The respondent did not act upon the said notice within the prescribed period.

6. 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.

7. Mr. C.B. Jaglian, District & Sessions Judge (Retd.), residing at Flat No.D-503, Alaknanda CGHS Plot No.GH-45, Sector 56, Gurugram-122011, Mobile No.9999056150 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.

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

9. The Arbitrator is entitled to fee in accordance with the Fourth Schedule of the Act, as amended, however, he, in view of large number of respondents, is requested to take care of quantum of fee to be charged from the respondents.
10. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the Act.
11. 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.
12. A request letter along with copy of this order be sent to Mr. C.B. Jaglian.

(JAGMOHAN BANSAL)

JUDGE

18.09.2024

Mohit Kumar

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