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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(108)

ARB-265-2019

Date of decision:- 31.01.2024

Indian Oil Corporation Limited

... Petitioner

Versus

Sunil Gajanan Nanal

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amanpreet Singh, Advocate for
Mr. Shiv Charan Bhola, Advocate for the petitioner.

(respondent was proceeded against ex-parte vide order dated
20.10.2023 passed by this Court)

SUVIR SEHGAL, J. (ORAL)

1. This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short “the Act”) for appointment of an Arbitrator.
2. Notice of the petition was issued to the respondent. However, despite service, nobody has caused appearance and respondent has been proceeded against ex-parte vide order dated 20.10.2023.
3. Counsel for the petitioner has submitted that a purchase order dated 14.05.2014, Annexure P-1, was placed on the respondent for supply and installation of Evaporative Cooler for gas turbine for value of Rs.1,06,000/-, besides taxes. Counsel asserts that IOCL General Purchase Conditions form part of the purchase order. Clause 34, thereof, stipulates

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that all disputes and differences between the parties are to be referred to an Arbitrator. Counsel submits that as the respondent failed to execute the order, it was cancelled and an order was placed on another firm at a higher cost. As a dispute arose between the parties, petitioner served notice dated 27.09.2018, Annexure P-5, raising claim of Rs.2,10,13,991/- and invoked the arbitration clause. In its reply dated 22.10.2018, Annexure P-6, respondent denied the allegations. As the parties could not agree on the name of an Arbitrator, present petition was filed.

4. I have heard counsel for the petitioner.
5. As there is no opposition to the petition, the prayer made in the petition is uncontested and therefore deserves to be accepted.
6. Accordingly, petition is allowed. Ms. Justice Jaishree Thakur (Retd.), Kothi No. 36, Sector 8, Chandigarh, Mobile No. 8558809950, a former Judge of this Court, is appointed as the sole Arbitrator to adjudicate the dispute between the parties, subject to declaration to be made by her under Section 12 of the Act with regard to her independence and impartiality to adjudicate the dispute between the parties.
7. Parties are directed to appear before the Arbitrator on 01.03.2024 at 11:00 A.M. at the address mentioned above or at any other place to be fixed with the consent of the parties.
8. Copy of the order be sent to the appointed arbitrator.

31.01.2024
Kamal

(SUVIR SEHGAL)
JUDGE

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