

Neutral Citation No. 2024:PHHC: 035656

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

107

ARB-439-2022 (O&M)
Date of Decision: 13.03.2024

AMPLUS SOLAR POWER PRIVATE LIMITED

..... Petitioner

Vs

ORIENT CRAFT LIMITED

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sumit Puri, Advocate for the petitioner.

Mr. Ashish Aggarwal, Senior Advocate with
Ms. Aashna Aggarwal, Advocate for the respondent.

SUVIR SEHGAL, J. (ORAL)

1. By way of present petition filed under Section 11(6) (inadvertently mentioned as Section 11(4) in the petition) of the Arbitration and Conciliation Act, 1996 (for short "the Act"), petitioner has approached this Court for appointment of an Arbitrator.
2. Notice of the petition has been served upon the respondent, who has appeared through a counsel. Upon instructions, counsel for the respondent submits that she does not have any objection, in case, the prayer made in the petition is accepted.
3. An agreement, Annexure P-2 was entered into between the parties and clause 7 provides that arbitration shall be conducted by a panel of three arbitrators. While invoking the arbitration clause,

petitioner vide its notice dated 02.06.2022, (Annexure P-8) nominated an Arbitrator. In its response dated 08.07.2022, Annexure P-9, respondent has also nominated an Arbitrator. However, both the nominated arbitrators have not been able to appoint the Presiding Arbitrator, resulting in the institution of the present petition.

4. In view of the above factual position, petition is allowed.
5. Hon'ble Mr. Justice Adarsh Kumar Goel, (Retd.) Former Judge of the Supreme Court, C-2/24, Safdarjung Development Area, New Delhi -110016, Mobile No. 9910213040, is requested to act as the Presiding Arbitrator to adjudicate the dispute between the parties subject to compliance of the statutory requirements.
6. Parties are directed to appear before the Arbitrators on the day, time and place to be fixed and communicated by the Panel of Arbitrators at their convenience.
7. A request letter be sent to Hon’ble Mr. Justice Adarsh Kumar Goel (Retd.) along with a copy of this order.
8. Pending miscellaneous application(s), if any, shall stand disposed of.

13.03.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>