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

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Date of Decision: 17.09.2024

M/s Action Construction Equipment Limited

...Applicant

Versus

M/s Abel Machines and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Jashan Sekhon, Advocate
for Mr. Shiv Kumar, 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, however, there is no representation on its behalf.
3. Conduct of respondent shows that despite knowing pendency of present application, they are 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.

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4. The applicant allotted work to the respondent vide purchase order dated 02.03.2022 (Annexure P-1). There is an arbitration clause in the aforesaid purchase order. The applicant, in terms of Section 21 of 1996 Act, served notice dated 13.09.2023 (Annexure P-3) upon the respondents. The respondent did not act upon the said notice within the prescribed period.

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. Rajesh Garg, Additional District & Sessions Judge (Retd.), House No.626, Sector 16-A, Faridabad, Mobile No.8558873008 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 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.

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



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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. Rajesh Garg.

(JAGMOHAN BANSAL)
JUDGE

17.09.2024
Mohit Kumar

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