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

**ARB No.344 of 2018 (O&M)
Date of Decision: 10.11.2022**

**BHARAT PETROLEUM CORPORATION LTD
.....Petitioner**

Vs

**M/S HIMALAYAN GAS AGENCY AND ANR
.....Respondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Prateek Singh, Advocate for
Mr. Aman Arora, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has preferred this petition under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator to settle the dispute between the parties arising out of dealership agreement dated 17.09.1999.

Notice of motion was issued on 16.11.2018. Vide order dated 27.05.2022, fresh notice was ordered to be issued to the respondents with dasti process as well.

As per office report, ordinary as well as dasti notices issued to the respondents were not received back from Jammu and Kashmir. On 12.09.2022, following order was passed by this Court:-

“Vide order dated 27.05.2022 fresh notices were ordered to be issued to the respondents with dasti process as well.

As per office report the ordinary as well as dasti notices issued to the respondents have not been received back from Jammu and Kashmir.

Present case was filed in the year 2018 and in view of directions issued by the Hon'ble Apex Court in SLP (Civil) No.5306 of 2022, this case has to be decided within six months from 19.05.2022.

In view of above, last opportunity is granted to the petitioner to serve the respondents by way of ordinary as well as dasti process by 14.10.2022.

It is made clear that no further adjournment shall be granted for the purposes of effecting service upon the respondents.”

Perusal of the aforesaid order would show that last opportunity was granted to the petitioner to serve the respondents by way of ordinary as well as dasti process by 14.10.2022. It was also made clear that no further adjournment shall be granted to effect service upon the respondents. Even on 14.10.2022, one more opportunity was granted to the petitioner to take steps to serve the respondents in accordance with law including by means of substituted service within two weeks.

As per office report, no steps have been taken by the petitioner to serve the respondents even by means of

substituted service.

Vide order dated 19.05.2022 passed in Special Leave Petition (Civil) No.5306 of 2022, the Hon'ble Apex Court has directed that all pending applications under Section 11(5) and 11(6) of the Arbitration Act and/or any other application either for substitution of Arbitrator and/or change of Arbitrator, which are pending for more than one year from the date of filing, must be decided within six months from that day i.e. 19.05.2022.

In view of inaction on behalf of the petitioner, no further indulgence can be granted in favour of the petitioner. This petition stands dismissed for want of prosecution.

November 10, 2022

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No