



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

275

ARB-26-2024

Date of decision: 08.04.2025

ASHWANI CHOPRA

....APPLICANT

Vs.

OXYM CRAFTS PRIVATE LIMITED

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Ms. Prisha Shridhar, Advocate for
Mr. Nikhil Goyal, Advocate
for the applicant.

None for the respondent.

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, applicant attempted to serve respondent through *Dasti* process, however, person available at the given address refused to receive the summons.
3. In view of order dated 30.01.2025 of this Court, notice was affixed at the conspicuous place of the respondent, thus, respondent stands served.
4. Despite service, respondent has opted to remain absent.
5. On 30.01.2025, there was no representation of the respondent and in the interest of justice, the matter was adjourned for today. Even today, there is no change in the situation. It appears that respondent has opted to abstain from joining the proceedings before this Court. The matter is pending before this Court since January' 2024 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 other option except to adjudicate the case.

6. The parties entered into arbitration agreement 15.05.2019. A dispute erupted between the parties. The applicant served notice upon the respondent invoking arbitration clause but to no avail.

7. 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.

8. Mr. Shri Krishan Kaushik, District and Sessions Judge (retired), residing at House No. 1118, Sector 46, Gurugram, Mobile No.9599499060 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.

9. The parties at the first instance will appear before the Arbitrator on 24.04.2025 at 10.00 A.M. and thereafter as directed by learned Arbitrator.

10. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 Act, as amended.

11. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

12. 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.

13. A request letter along with copy of this order be sent to Mr. Shri Krishan Kaushik.

08.04.2025
manoj

Whether speaking/reasoned
Whether reportable

[JAGMOHAN BANSAL]
JUDGE
Yes/No
Yes/No