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

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ARB-85-2025

Date of Decision: 19.11.2025

HDFC Bank Limited

.... Petitioner

Versus

Makkhan and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Abhishek Garg, Advocate  
for the petitioner.

None for the respondents.

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**JASGURPREET SINGH PURI, J. (ORAL)**

1. The present petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') praying for appointment of an Arbitrator to adjudicate the disputes which have arisen between the parties.

2. Learned counsel for the petitioner submitted that there was an agreement between the petitioner and the respondents, which was in the nature of facility agreement against Cash Credit Facility dated 06.07.2012 (Annexure P-2) in which respondents No.1 to 3 are the borrowers and respondent No.4 is the guarantor and further submitted that there has been a default in the repayment of the said loan. He also submitted that in the aforesaid Agreement (Annexure P-2), there exists a valid arbitration clause i.e. Clause 7.8 which provides that any dispute between the parties shall fall under the exclusive jurisdiction of the Court or Tribunal in the City in which the branch of the bank which is party to this agreement is located. However,



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if the dispute is below the pecuniary limit of the Debt Recovery Tribunal, it shall be referred to Arbitration under the Act by a Sole Arbitrator appointed by the Bank. He submitted that the Bank itself cannot appoint a Sole Arbitrator in view of Section 12(5) of the Act and the law laid down by Hon'ble Supreme Court in "*Perkins Eastman Architects DPC Vs. HSCC (India) Ltd.*", 2020(20) SCC 760 being interested party and therefore, the present petition has been filed under Section 11(5) of the Act for appointment of any Sole Arbitrator. He also submitted that the aforesaid arbitration clause has been invoked by issuing notice dated 02.01.2025 to the respondents vide Annexure P-4, however, no response was received from them in this regard.

3. I have heard the learned counsel for the petitioner.

4. When notices were issued to the respondents, a report dated 02.08.2025 has been received from the Registry that respondent No.1 has been served, respondent No.2 has been served through his brother and respondent No.4 has been served through his mother. So far as respondent No.3 is concerned, he had died and thereafter, his LRs were impleaded as respondents No.3(a) and 3(b) and notice was issued to them and now again as per the report of Registry, respondents No.3(a) and 3(b), who are the LRs of respondent No.3, have also been served. Today, the matter has been taken up twice but none has caused appearance on behalf of any of the respondents.

5. *Prima facie*, there exists a valid arbitration clause in the aforesaid agreement (Annexure P-2) and notice has also been issued to the respondents in this regard. Therefore, this Court deems it fit and proper to allow the present petition.

6. Consequently, the present petition is allowed. Ms. Shalini Atri, Advocate, resident of House No.3418, 2<sup>nd</sup> Floor, Sector 35-D, Chandigarh,

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Mobile No.9815266388, Email id. shaliniattri12@gmail.com, is nominated as the Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory provisions including Section 12 of the Act.

7. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed and communicated by the learned Arbitrator at her convenience.

8. Fee shall be paid to the learned Arbitrator in accordance with the Fourth Schedule of the Arbitration Act, as amended.

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

10. A request letter alongwith a copy of the order be sent to Ms. Shalini Atri, Advocate.

**19.11.2025***Bhumika***(JASGURPREET SINGH PURI)  
JUDGE**

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable:        | Yes/No |