



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

266**ARB-69-2024****Date of decision: 25.02.2025****GHV ADVANCED CARE PVT. LTD.****....APPLICANT****Vs.****GURUDEV HOSPITALS PRIVATE LIMITED****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Sahil Khunger, Advocate
for the applicant.

None for the respondent.

JAGMOHAN BANSAL, J (ORAL)

1. Through instant application under Section 11 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. On 21.08.2024, 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 February' 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 option except to adjudicate the case.

3. The parties entered into arbitration agreement dated 03.09.2021 (Annexure A-1). A dispute erupted between the parties. The applicant served notice upon the respondent invoking arbitration clause but to no avail.

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4. 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.

5. Mr. C.B. Jaglian, District & Sessions Judge (Retd.), residing at Flat No.D-503, Alaknanda CGHS Plot No.GH-45, Sector 56, Gurugram-122011, Mobile No. 9999056150 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.

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

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

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

9. 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.

10. A request letter along with copy of this order be sent to Mr. C.B. Jaglian.

25.02.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No