



ARB-83-2024

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

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ARB-83-2024

Date of Decision: 08.01.2025

M/s G.G. Construction

...Applicant

Versus

ACB (India) Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Reshabh Bajaj, Advocate and
Ms. Ojaswini Gagneja 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. Despite service through ordinary mode as well as *dasti* process, there is no representation of the respondent. It appears that the 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. Two Letters of Intent (for short '**LOI**') dated 22.08.2019

(Annexure P-1) and 27.09.2019 (Annexure P-2) were issued in favour of the

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applicant by the respondent for carrying out certain civil construction works. A dispute erupted between the parties. There is an arbitration clause in the General Conditions of Contract-Civil Works. The applicant served legal notice dated 21.09.2023 (Annexures P-10) upon the respondent invoking arbitration clause, however, the respondent did not act upon the said notice within the prescribed period.

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. Justice Ramendra Jain, Retired Judge of this Court, residing at #A-143, Sushant Lok (Umeed Marg), Block A, Phase-I, Gurugram-122009, Mobile No.9971288222 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 Act, as amended.

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

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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. Justice Ramendra Jain.

(JAGMOHAN BANSAL)**JUDGE****08.01.2025***Mohit Kumar*

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