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

ARB-108-2025

Date of decision: 09.12.2025

HDFC BANK LTD.**...Applicant(s)****VERSUS****AVTAR SINGH AND ORS.****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. Sanchit Malik, Advocate for
Mr. Abhishek Garg, Advocate for the applicant.

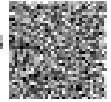
Ms. Sundeep Kaur, Advocate for
Mr. S. S. Jattan, Advocate for respondent No.4.

JASGURPREET SINGH PURI, J. (Oral)

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

2. Ms. Sundeep Kaur, Advocate has appeared on behalf of Mr. S. S. Jattan, learned counsel for respondent No.4 and so far as the remaining respondents are concerned, they were either served or refused to receive the summons, as per the order passed by this Court on 06.11.2025.

3. Learned counsel for the applicant submitted that there exists an agreement between the parties vide Annexure P-2 and there also exists a valid arbitration clause i.e. Clause 7.8, which provides that in case of any dispute

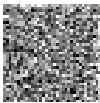


between the parties, the same shall be referred to arbitration in accordance with the provisions of the Act by a Sole Arbitrator appointed by the Bank. He further submitted that it is a settled law that an interested party cannot become an Arbitrator, particularly in view of the provisions of Section 12(5) of the Act and also in view of the judgment passed by Hon'ble Supreme Court in **Perkins Eastman Architects DPC and another versus HSCC (India) Limited, (2020) 20 SCC 760.** He further submitted that a notice invoking the arbitration clause was served upon the respondents vide Annexure P-3 dated 02.01.2025, but no response was received from the respondents and therefore, the present application has been filed under Section 11 of the Act seeking appointment of an independent Arbitrator.

4. On the other hand, learned counsel appearing on behalf of respondent No.4 submitted that there is no dispute with regard to the existence of the aforesaid agreement and the arbitration clause and respondent No.4 has no objection to the appointment of an independent Arbitrator in this regard.

5. In view of the aforesaid facts and circumstances, the present application is allowed. Ms. Puneeta Sethi, Advocate, resident of Kothi No.843, Sector 16-D, Chandigarh-160015, Mobile Nos.-9815264904, 7973537026, E-mail ID- puneeta_sethi26@yahoo.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.

6. 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.



- 7. Fee shall be paid to the learned Arbitrator in accordance with the Fourth Schedule of the Arbitration Act, as amended.
- 8. Learned Arbitrator is also requested to complete the proceedings as per the time limit prescribed under Section 29-A of the Act.
- 9. A request letter alongwith a copy of the order be sent to Ms. Puneeta Sethi, Advocate.

09.12.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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