



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

219

ARB-72-2020

Date of decision: 15.05.2025

M/S GAANESH KARTIKAY CONSTRUCTION PRIVATE LIMITED

....APPLICANT

Vs.

M/S HERCULES STRUCTURAL SYSTEMS PRIVATE LIMITED

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Dheeraj Mahajan, Advocate
for the applicant.

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. On 19.02.2025, there was no representation of the respondent and in the interest of justice, the matter was adjourned for today. The applicant vide order dated 24.05.2024 was allowed to serve respondent by way of publication in the newspaper. As per office report, the applicant has served notice through publication in newspaper. 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 March' 2020 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.



3. Mr. Dheeraj Mahajan, Advocate submits that respondent is operating from the same address, however, it is not accepting notice and hiding its identity.

4. The parties entered into arbitration agreement dated 25.04.2019. A dispute erupted between the parties. The applicant served notice upon the respondent invoking arbitration clause but to no avail.

5. 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.

6. Mr. Justice Adarsh Kumar Goel, former Judge of Supreme Court, residing at C-2/24, Safdarjung Development Area, New Delhi- 110016, Mobile No.9910213040 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.

7. The parties at the first instance will appear before the Arbitrator on 02.06.2025 at 10.00 A.M. and thereafter as directed by learned Arbitrator.

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

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

10. 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.



11. A request letter along with copy of this order be sent to Mr. Justice Adarsh Kumar Goel.

15.05.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

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