

ARB-251-2021 (O&M)

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

220/2

ARB-251-2021 (O&M)
Date of Decision: 21.07.2025

M/s ABW Suncity

...Applicant

Versus

Sudarshan Aggarwal

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Yaseen Sethi, Advocate
for Mr. Himanshu Gupta, 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 17.05.2022, Mr. Arun Singla, Advocate appeared on behalf of respondent. Service upon the respondent is complete and this fact stands duly noted in order dated 11.11.2024 passed by this Court. Since last few dates, there is no representation of the respondent and even today, there is no change in the situation. It appears that the respondent has opted to abstain from joining the proceedings before this Court. The matter is pending before this Court since 2021 and it cannot be kept pending for an 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 on the basis of available record.

3. The parties entered into agreement dated 18.04.2010 (Annexure P-2). A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The applicant served notice upon the respondent seeking resolution of dispute through Arbitral Tribunal but to no avail.

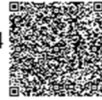
4. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a Sole Arbitrator to adjudicate the dispute between the parties.

5. Mr. S.C. Goyal, District & Sessions Judge (Retd.), residing at Flat No.204, Tower 2, Malibu Town, Sector 47, Sohna Road, Gurugram Mobile No.9813204570 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. The parties at the first instance will appear before the Arbitrator on 04.08.2025 at 10:00 AM and thereafter, as directed by learned Arbitrator.

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.

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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. S.C. Goyal, Advocate.

11. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

21.07.2025*Mohit Kumar*

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