

230

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB-439-2021

Date of decision: 04.12.2025

M/S AXALTA COATING SYSTEMS INDIA PVT. LTD.

...Applicant(s)

VERSUS

M/S COSMIC MOTORS INDIA PVT. LTD. AND ORS.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Reshabh Bajaj, Advocate and
Mr. Himanshu Bindal, Advocate for the applicant.

JASGURPREET SINGH PURI, J. (Oral)

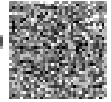
1. The present application has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') seeking appointment of an independent Arbitrator to adjudicate the disputes and differences which have arisen between the parties.
2. The present application is of the year 2021 and about four years have elapsed, yet the respondents have not been served. On the last date of hearing i.e. 28.07.2025, the following order was passed by a Coordinate Bench of this Court:-

“Learned counsel for the applicant seeks last opportunity to serve the respondents through dasti process.

Allowed as prayed for.

Adjourned to 18.09.2025.

It is made clear that in the absence of service upon the respondents, the application would be liable to be dismissed.”



3. A perusal of the aforesaid would show that last opportunity was granted to serve the respondents through *dasti* process and it was also made clear that in the absence of service upon the respondents, the application would be liable to be dismissed.

4. As per the report of the Registry, nobody turned up to collect the *dasti* notices. The aforesaid report of the Registry dated 02.12.2025 is reproduced as under:-

“Nobody turned up to collect the dasti notices”

5. In view of the above, this Court has no option but to dismiss the present application, particularly when the applicant has not even cared to collect the *dasti* notices.

6. Consequently, the present application is dismissed.

04.12.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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