



ARB-351-2025 (O&M)

-1-

212

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

**ARB-351-2025 (O&M)
Date of Decision: 14.11.2025**

Kotak Mahindra Prime Ltd.

.... Petitioner

Versus

Amarjit Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ramdeep Partap Singh, Advocate
for the petitioner.

None for the respondent.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') praying for appointment of an independent Arbitrator to adjudicate the disputes and difference which have arisen between the parties pertaining to an agreement entered into between the parties.

2. Learned counsel appearing on behalf of the petitioner submitted that there was an agreement between the parties, which has been attached with the present petition as Annexure P-2, wherein the petitioner is the lender and the respondent is the borrower of the loan and there exists an arbitration clause at Para No.32 for the appointment of a Sole Arbitrator. He submitted that in the aforesaid clause, it has been so provided that a Sole Arbitrator is to be nominated by the petitioner-lender but in view of the settled law there can be no unilateral appointment of an Arbitrator and



therefore, any independent Sole Arbitrator may be appointed by this Court.

3. Learned counsel submitted that since there was a default on the part of the respondent, a legal notice was served upon the respondent vide Annexure P-3 dated 07.02.2025 and this legal notice was sent by way of a registered post and the original receipt of the same is also attached with the aforesaid notice at Page No.49 of the paper-book but no response was received by the petitioner in this regard. He further submitted that in the present petition, when notice of motion was issued to the respondent on 27.05.2025, the same was served upon the respondent, which is reflected from the order passed on 15.09.2025 that despite being served, the respondent has not appeared and submitted that even today, nobody has caused appearance on behalf of the respondent and therefore, any independent Sole Arbitrator may be appointed.

4. I have heard the learned counsel for the petitioner.

5. On 15.09.2025, the following order was passed by this Court:-

“Despite service, there is no representation on behalf of the respondent.

In the interest of justice, adjourned to 30.10.2025.”

6. As per the report of Registry, the respondent has been served but nobody has appeared on behalf of the respondent and the same was position on the last date of hearing. The prayer of the petitioner in the present petition is for appointment of an Arbitrator and as per the counsel for the petitioner, the claim amount is approximately ₹12,00,000/-.

7. The essential requirement for the appointment of an Arbitrator stands satisfied because there exists an arbitration clause at Para No.32 of the Agreement (Annexure P-2). Notice invoking the arbitration clause was

**ARB-351-2025 (O&M)****-3-**

also sent by way of registered post on 07.02.2025 vide Annexure P-3.

8. In view of the aforesaid facts and circumstances, the present petition is allowed. In view of the aforesaid facts and circumstances, the present petition is allowed. Dr. Deepak Jindal, Advocate resident of House No.3598, Sector 35D, Chandigarh, Mobile No.9417293545, email ID: drdeepakjindal@rediffmail.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.

9. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed and communicated by the learned Arbitrator at his convenience.

10. Fee shall be paid to the learned Arbitrator in accordance with the Fourth Schedule of the Arbitration Act, as amended.

11. Learned Arbitrator is also requested to complete the proceedings as per the time limit prescribed under Section 29-A of the Arbitration Act.

12. A request letter alongwith a copy of the order be sent to Dr. Deepak Jindal, Advocate.

14.11.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |