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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-352-2025 (O&M)
Date of Decision: 12.11.2025

Kotak Mahindra Prime Ltd.

....Petitioner(s)

Versus

Harjinder Singh

.....Respondent(s)

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 differences 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.50 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 16.09.2025 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 16.09.2025, the following order was passed by this Court:-

“As per office report, notice stands served, however, there is no representation on behalf of the respondent.

*In the interest of justice, adjourned to **12.11.2025.**”*

6. On a query being raised to the Court staff as to whether the respondent was served or not, to which after looking at the record, it was informed that the respondent has been served but nobody has appeared on behalf of the respondent and the same was the 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 Rs. 13,00,000/-.

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 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. 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 Act.

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

12.11.2025

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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