



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

262

ARB-209-2020

Date of Decision: 11.02.2025

DLF Cyber City Developers Limited**...Applicant**

Versus

Surender Kumar and others**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Udit Garg, Advocate for the applicant

None for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking appointment of an Arbitrator.

2. Despite service, there is no representation of the respondents. It appears that respondents have opted to abstain from joining the proceedings before this Court. The matter is pending before this Court since 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 option except to adjudicate the case.

3. The parties entered into collaboration agreement dated 16.10.2007 (Annexure P-1). A dispute erupted between the parties. There is an arbitration clause in aforesaid agreement. The applicant served legal notice dated 28.08.2020 (Annexures P-9) upon the respondent invoking arbitration clause, however, the respondent did not act upon the said notice within the

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. Justice Ramendra Jain, Former Judge of this Court, residing at #A-143, Sushant Lok (Uneed Marg), Block A, Phase-I, Gurugram-122009, Mobile No.9971288222 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. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.
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.
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. Justice Ramendra Jain.

(JAGMOHAN BANSAL)
JUDGE

11.02.2025
Mohit Kumar

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