



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

299

ARB-488-2024

Date of decision: 05.05.2025

SERVOTECH ELECTRICALS PVT. LTD.

....APPLICANT

Vs.

M/S IMPERIAL HOUSING VENTURES PVT. LTD. ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Deepak Jain, Advocate
for the applicant.

None for the respondent.

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. As per office report, the respondent stands served. On 20.03.2025, there was no representation of the respondent and in the interest of justice, the matter was adjourned for today. Even today, there is no change in the situation. It appears that respondent has opted to abstain from joining the proceedings before this Court. The matter is pending before this Court since September' 2024 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 other option except to adjudicate the case.



3. The parties entered into arbitration agreement dated 17.01.2011. A dispute erupted between the parties. The applicant served notice upon the respondent(s) invoking arbitration clause but to no avail.

4. Learned counsel for the applicant *inter alia* submits that applicant sent notice for appointment of Arbitrator on 16.08.2016. An Arbitrator was appointed by respondent who refused to proceed later on. The applicant filed an application before Delhi High Court which was withdrawn due to lack of jurisdiction. The applicant filed an application before this Court seeking appointment of an Arbitrator. The said application was withdrawn with liberty to approach Court seeking termination of mandate of earlier Arbitrator. The applicant approached Civil Court at Gurugram which vide order dated 01.05.2024 (Annexure P-15) allowed application and terminated mandate of Arbitrator.

5. 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.

6. Mr. Justice Ramendra Jain, former Judge of this Court, residing at #A-143, Sushant Lok (Umeed 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.

7. The parties at the first instance will appear before the Arbitrator on 20.05.2025 at 10.00 A.M. and thereafter as directed by learned Arbitrator.

8. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 Act, as amended.
9. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.
10. 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.
11. A request letter along with copy of this order be sent to Mr. Justice Ramendra Jain.

05.05.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

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