



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

253

ARB-517-2023

Date of Decision: 13.02.2025

Devarsh Gupta

...Applicant

Versus

Kaya Blenders and Distillers Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. S.S. Sohi, Advocate for the applicant

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. On 22.02.2024, Mr. Ritesh Grover, Advocate for Mr. Pushpinder Kaushal, Advocate appeared for the respondent and sought time to file reply. On 08.04.2024, learned counsel for the respondent sought time to file reply. On 18.05.2024, he again sought time. On 24.10.2024, he submitted that he has no instructions from his client, thus, fresh notice was issued which as per office report stands served.

3. Even today, there is no representation of the respondent. It appears that respondent has opted to abstain from joining the proceedings before this Court. The matter is pending before this Court since 2023 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



4. The parties entered into Agreement-cum-Memorandum of Understanding dated 28.07.2021 (Annexure P-1). A dispute erupted between the parties. There is an arbitration clause in the aforesaid agreement. The applicant served legal notice dated 10.05.2023 (Annexure P-4) upon the respondent invoking arbitration clause, however, the respondent did not act upon the said notice within the prescribed period.

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. Sukhdev Singh, Retired Additional District & Sessions Judge, residing at near S.D.M. Residence Hira Mahal Colony, Nabha, District Patiala, Mobile No.9815294814 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. Parties are directed to appear before the learned Arbitrator on date, time and place to be fixed by the Arbitrator at his convenience.

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. Sukhdev Singh.

(JAGMOHAN BANSAL)
JUDGE

13.02.2025
Mohit Kumar

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