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

ARB-608-2024**Date of Decision: 26.03.2025****M/S OUTPUTT PROJECT INDIA PVT LTD**

..... Applicant

*Versus***HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD**

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Farhad Kohli, Advocate for
Ms. Mehtab Kamboj, Advocate and
Mr. Gautam Dutt, Advocate
for the applicant.

Mr. Sanjeev Kaushik, Advocate and
Ms. Manreet Kaur, Advocate
for the respondent.

JAGMOHAN BANSAL, J. (Oral)

1. The applicant through instant application under Sections 14, 15 and 32 of the Arbitration and Conciliation Act, 1996 (for short '1996 Act') read with Section 151 of the Code of Civil Procedure, 1908 and Clause 11 of the lease deed dated 10.11.2017 is seeking setting aside of order dated 18.07.2024 (Annexure P-1) passed by Arbitrator whereby he has ordered to terminate the proceedings under Section 32 of 1996 Act.

2. By order dated 23.04.2024 (Annexure P-4), this Court appointed a sole Arbitrator in ARB-376-2023 to adjudicate the dispute between the parties. The parties did not appear before the learned Arbitrator who vide order dated 18.07.2024 ordered to terminate the proceedings.



3. Mr. Farhad Kohli, Advocate for the applicant submits that Arbitrator was appointed by this Court vide order dated 23.04.2024 (Annexure P-4) and impugned order came to be passed on 18.07.2024. The applicant had not received communication from the Arbitrator which resulted into non-joining the proceedings. There was no intentional lapse on his part. This Court may either appoint the same Arbitrator or some other Arbitrator.

4. Mr. Sanjeev Kaushik, Advocate for the respondent expressed his inability to controvert the aforesaid factual and legal position.

5. In the wake of statement of both sides, this Court finds it appropriate to appoint Mr. Justice Girish Agnihotri, Former Judge of this Court, residing at House No.215, Sector 9, Chandigarh, Mobile No.7009260001 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. The parties at the first instance will appear before the Arbitrator on 09.04.2025 at 10:00 A.M and thereafter as directed by learned Arbitrator.

7. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 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 Girish Agnihotri.

11. From the perusal of impugned order, it is evident that there was lapse on the part of applicant though may not be intentional. Some costs needs to be imposed. Accordingly, costs of Rs.25,000/- is imposed upon the applicant. The same shall be deposited within four weeks from today with PGIMER Poor Patient Fund.

(JAGMOHAN BANSAL)
JUDGE

26.03.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No