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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

ARB-676-2025

Date of decision: 03.12.2025

M/S BATRA PHARMACEUTICAL DISTRIBUTORS (SOLE
PROPRIETORSHIP)

...Petitioner(s)

VERSUS

M/S J-VPD DIAGNOSTICS INDIA PVT. LTD.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

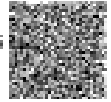
Present:- Mr. Shaurya Khanna, Advocate for the petitioner.

Mr. Arnav Goel, Advocate for the respondent.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') seeking appointment of an independent Arbitrator to adjudicate the disputes and differences which have arisen between the parties.

2. Learned counsel for the petitioner submitted that there was an agreement between the parties, in which there exists a dispute resolution clause in Clause 12.8(b), which provides that where the stakes involved are more than Rs.5 lakhs, an Arbitral Tribunal shall be constituted consisting of 3 Arbitrators (each party having the right to appoint one Arbitrator, who in turn will then appoint the third Arbitrator as the presiding Arbitrator) and the presiding Arbitrator shall be any retired Judge/arbitration Lawyer. He further submitted that a dispute arose between the parties and the petitioner invoked the aforesaid



arbitration clause by issuing a notice dated 28.08.2025 (Annexure P-5) but no response was received from the respondent and therefore, the present petition has been filed under Section 11 of the Act for appointment of a Sole Arbitrator.

3. Learned counsel for the petitioner categorically submitted that although there was a provision in the agreement between the parties for the appointment of an Arbitral Tribunal consisting of 3 Arbitrators, but in the present case since the appointment process has failed, a Sole Arbitrator may be appointed by this Court.

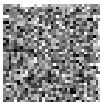
4. On the other hand, Mr. Arnav Goel, Advocate has put in appearance on behalf of the respondent and has filed his power of attorney in the Court today, which is taken on record. He submitted that he has clear instructions from the respondent to state that the aforesaid arbitration clause is in existence and a notice was also served to the respondent vide Annexure P-5. He also submitted that the respondent has no objection in case a Sole Arbitrator is appointed by this Court.

5. I have heard the learned counsels for the parties.

6. There is a provision for appointment of an Arbitral Tribunal in the agreement between the parties but the learned counsels the parties have made a categorical joint request that a Sole Arbitrator may be appointed by this Court to adjudicate the disputes which have arisen between the parties.

7. The aforesaid request made by the learned counsels for the parties is accepted.

8. In view of the aforesaid facts and circumstances, the present petition is allowed. Hon'ble Mr. Justice Ashok Bhan, a former Judge of Hon'ble



Supreme Court, resident of # 302, Sector 10-A, Chandigarh, Mobile No.-9868219003, 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 Hon’ble Mr. Justice Ashok Bhan, a former Judge of Hon’ble Supreme Court.

03.12.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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