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

ARB-752-2025

Date of decision: 23.12.2025

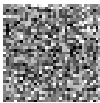
SANDEEP MIGLANI AND ANOTHER**...Applicant(s)****VERSUS****TATA CAPITAL HOUSING FINANCE LIMITED AND ANOTHER****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Ms. Ravisha Mahajan, Advocate for the applicants.

JASGURPREET SINGH PURI, J. (Oral)

1. The present application 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 applicants submitted that there was an agreement between the parties vide Annexure P-1, which contains an arbitration clause i.e. Clause 12.10. She further submitted that the respondents vide Annexure P-6 issued a notice dated 09.10.2025 to the applicants for commencement of arbitration proceedings and suggested the names of Arbitrators, to which the applicants replied vide Annexure P-7 dated 15.11.2025 by stating that they are open to initiating the arbitration proceedings and suggested the names of two persons for appointment as Arbitrator but no Arbitrator was appointed by the respondents and therefore, the present application has been filed seeking appointment of a Sole Arbitrator.



3. I have heard the learned counsel for the applicants.
4. A specific query was raised to the learned counsel for the applicants as to whether prior to invoking the provisions of Section 11(6) of the Act by filing the present arbitration case, the applicants had issued any notice under Section 21 of the Act to the respondents or not, to which she submitted that no such notice had been issued by the applicants to the respondents. She has however submitted that in response to a notice which was issued by the respondents to the applicants, wherein the names of some Arbitrators were suggested, the applicants in their reply to the said notice suggested names of two persons for appointment as Arbitrator and therefore, the reply which was submitted by the applicants to the respondents vide Annexure P-7 should be deemed to be a notice under Section 21 of the Act and consequently, an independent Sole Arbitrator may be appointed by this Court.
5. At this stage, learned counsel for the applicants submitted that she may be permitted to withdraw the present arbitration case in order to enable the applicants to file a fresh application after fulfilling the pre-requisite conditions under Section 11 of the Act.
6. The aforesaid request made by the learned counsel for the applicants is accepted.
7. The present arbitration case is dismissed as withdrawn with the liberty aforesaid.

(JASGURPREET SINGH PURI)
JUDGE

23.12.2025
Chetan Thakur

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