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

**ARB-183-2025 (O&M)
Date of Decision: 21.04.2026**

UNO Minda Limited

.... Applicant

Versus

Dabas Facility Services Private Limited

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Sandhya Gaur, Advocate (through V.C.) &
Mr. Varun Singh Dhanda, Advocate
for the applicant.

Ms. Ekta Chauhan, Advocate,
for the respondent.

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') praying for appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the parties.

2. Ms. Sandhya Gaur, learned counsel for the applicant has caused appearance through video conferencing with Mr. Varun Singh Dhanda, Advocate, who is present in Court submitted that an agreement was executed between the applicant and the respondent vide Annexure P-2 wherein there exists a valid arbitration clause i.e. Clause 12. The said clause provides that in case of any dispute between the parties arising out of this Agreement or a breach thereof, the parties shall make a good faith effort to settle the dispute through consultation and if the parties are unable to settle the dispute, then the dispute shall be referred to and settled by arbitration in accordance with

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the Arbitration Act. The Clause further provides that the Arbitrator shall be appointed mutually by both the parties and if the parties fail to do so within 30 days of referring to resolve the dispute by Arbitrator, then each party shall appoint one Arbitrator and such Arbitrators shall appoint the third Arbitrator. She further submitted that earlier talks were held for mediation but ultimately the mediation failed. The applicant thereafter invoked the aforesaid arbitration clause by issuing a notice under Section 21 of the Act to the respondents vide Annexure P-7 dated 13.01.2025, but no response was received from the respondent in this regard. Therefore, the present application has been filed under Section 11 of the Act for appointment of an independent Sole Arbitrator.

3. Learned counsel further submitted that although arbitration clause provides for constitution of an Arbitral Tribunal comprising of three members, but considering the claim value in the present case, any Sole Arbitrator may be appointed by this Court.

4. On the other hand, Ms. Ekta Chauhan, learned counsel for respondent No.1 submitted that on the last date of hearing, she had sought time to obtain instructions from the respondent as to whether they were agreeable to the appointment of a Sole Arbitrator or not. She stated that she has now received specific instructions to state that the respondent has no objection to the appointment of an independent Sole Arbitrator by this Court in place of an Arbitral Tribunal considering the fact that a valid arbitration clause exists in the agreement (Annexure P-3) and the same has been invoked by the applicant vide the aforesaid notice dated 13.01.2025.

5. I have heard learned counsels for the parties.

6. In the present case, there is a *prima facie* existence of the



arbitration clause in the aforesaid Agreement (Annexure P-2), which is not in dispute and the same has been invoked by issuing notice under Section 21 of the Act to the respondent vide Annexure P-7.

7. On the last date of hearing i.e. 16.04.2026, the following order was passed:-

“Ms. Ekta Chauhan, Advocate has caused appearance and filed Power of Attorney on behalf of the respondent, which is taken on record.

Learned counsel for the applicant has submitted that since the mediation has already failed despite strenuous efforts made by learned Mediator over approximately one year, an independent Arbitrator may be appointed to adjudicate upon the disputes and differences which have arisen between the parties. He further submitted that although the agreement contains a clause for the constitution of an Arbitral Tribunal, but any independent Sole Arbitrator may be appointed.

Learned counsel for the respondent submitted that she may be granted some time to seek instructions from the respondent as to whether they are agreeable to the appointment of a Sole Arbitrator or not. She will apprise the Court on the next date of hearing in this regard.

On her request, adjourned to 21.04.2026.”

8. Today, learned counsel for the respondent has stated that she has sought specific instructions from the respondent to state that the respondent has no objection to the appointment of an independent Sole Arbitrator by this Court in place of an Arbitral Tribunal.

9. In view of aforesaid stand taken by learned counsel for the respondent, the present application is allowed. Considering that both the learned counsels for the parties have specifically given their consent for the

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appointment of a Sole Arbitrator in place of an Arbitral Tribunal, Mr. Justice Arvind Singh Sangwan, a former Judge of this Court, resident of House No.345, IAS/PCS Society, Sector-1, New Chandigarh, Delhi Office: 52, Block-B, Basement, Panchheel Enclave, Delhi. Mobile No.7347025003, 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.

10. 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.

11. Fee shall be paid to the learned Arbitrator in accordance with the Fourth Schedule of the Arbitration Act, as amended.

12. Learned Arbitrator is also requested to complete the proceedings as per the time limit prescribed under Section 29-A of the Act.

13. A request letter alongwith a copy of the order be sent to Mr. Justice Arvind Singh Sangwan, a former Judge of this Court.

21.04.2026*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |