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

ARB-356-2025 (O&M)

Date of Decision:12.02.2026

M/s Care India Finvest Ltd.

.....Petitioner

Versus

Yashpal and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Aneeshh Chhopra, Advocate for the petitioner.

None for the respondents.

JASGURPREET SINGH PURI J.(Oral)

1. The present is a petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act'), seeking appointment of an arbitrator in the present case.

2. Learned counsel for the petitioner submitted that a loan agreement was executed between the parties, which contains an arbitration clause at Clause 10.8 and the said agreement has been appended with the present petition as Annexure A-2. He further submitted that since a dispute arose between the parties, the petitioner served a notice through registered post upon the respondents on 04.02.2025 vide Annexure A-4 invoking the arbitration clause. In response thereto, a reply was filed by the respondents vide Annexure A-5, however, they did not take any steps for appointment of an Arbitrator. He further submitted that as per the arbitration clause, the Sole Arbitrator is to be appointed by CIFL. However, since CIFL is an interested party, such unilateral appointment would be impermissible in law

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and therefore, the petitioner could not have proceeded with the appointment of an Arbitrator. Therefore, he submitted that this Hon'ble Court may appoint a sole arbitrator for adjudicating the dispute which has arisen between the parties.

3. I have heard learned counsel for the petitioner.
4. Nobody has appeared on behalf of the respondents.
5. On 06.11.2025, it was observed by this Court that, as per the report of the Registry, respondent No.1 had been served and respondent No.2 had also been served through her husband, i.e. respondent No.1. Despite service, they did not put in appearance and, therefore, the matter was adjourned for final arguments. Even today, when the matter has been taken up, none has appeared on behalf of the respondents.
6. The arbitration clause, i.e. Clause 10.8, referred to by learned counsel for the petitioner, is reproduced as under:-

“10.8 The Borrower and CIFL agree that agreement shall be construed in accordance with the laws in force in India and in the event that any dispute or difference should arise between the parties in performance, interpretation and/or application with respect to the present agreement including but not limited as to any amount outstanding and/or on any matter relating to or arising out of the present agreement the same shall be referred to the Sole Arbitration to be appointed by CIFL whose decision shall be final and binding upon the parties”.



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7. The petitioner invoked the aforesaid arbitration clause by issuing notice dated 04.02.2025 (Annexure A-4). In response thereto, the respondents filed a reply (Annexure A-5); however, no steps were taken by them for appointment of an Arbitrator in terms of the agreement. This Court is, therefore, satisfied that the essential conditions for appointment of an arbitrator under Section 11(6) of the Act stand fulfilled.

8. In view of the aforesaid facts and circumstances, the present petition is allowed. Ms. Gursharan Kaur Mann, Senior Advocate, resident of House no. 255, Sector 11-A, Chandigarh. Office Address: Chamber No. 67, Court Complex, Punjab and Haryana High Court, Chandigarh, Mobile No.9815386332, E-mail: gurpriamann@yahoo.com, 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 learned Arbitrator on date, time and place to be fixed and communicated by learned Arbitrator at her convenience.

10. Fee shall be paid to 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 Ms. Gursharan Kaur Mann, Senior Advocate.

12.02.2026

shweta

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No