

252

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-422-2025(O&M)

Date of Decision: 24.03.2026

SUSHIL KUMAR SHARMA AND ANOTHER

....Petitioner(s)

Versus

MUMUSO RETAIL PVT LTD

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amitabh Tewari, Advocate, for the petitioner.
(Through Video Conferencing).

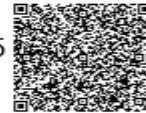
Respondent proceeded ex parte vide order dated 06.03.2026.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') praying for appointment of a Sole Arbitrator.

2. Learned counsel appearing on behalf of the petitioners through video conferencing submitted that there is a lease agreement between the petitioners and the respondent vide Annexure P-1, which contains an arbitration clause i.e Clause 17.6, which provides for arbitration in case of a dispute between the parties. He submitted that since a dispute arose between the parties, the petitioners invoked the aforesaid arbitration clause by issuance of a notice under Section 21 of the Act vide Annexure P-9 dated

31.03.2025 and proposed the name of an Arbitrator but no reply was



received from the respondent. He submitted that the respondent is not even appearing before this Court and the respondent was proceeded *ex parte* on 06.03.2026 and therefore, the present petition has been filed seeking appointment of an independent Sole Arbitrator.

3. I have heard the learned counsel for the petitioners through video conferencing.

4. The respondent was proceeded *ex parte* on the last date of hearing i.e. on 06.03.2026. The aforesaid order is reproduced as under:-

“As per the report of the Registry, dasti notice issued to the respondent has been received back served through the Executive Officer, however, none has put in appearance on behalf of the respondent.

In view of the above, respondent is hereby proceeded ex parte.

Adjourned to 24.03.2026 for final arguments.”

5. Today, nobody has appeared on behalf of the respondent.

6. A perusal of the aforesaid arbitration clause and the notice dated 31.03.2025 (Annexure P-9) would show that both the ingredients for appointment of an Arbitrator under Section 11 of the Act stand satisfied as there is a *prima facie* existence of an arbitration clause and the invocation thereof by issuance of notice under Section 21 of the Act.

7. Consequently, the present petition is allowed. Sh. Chanchal K. Singla, Senior Advocate, resident of # 544, Sector 109, Mohali Hills, SAS Nagar, Punjab and SCO 40-41, Level III, Sector-17 A, Chandigarh, mobile No.-9888345677, e-mail ID-chanchalksingla@gmail.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.

8. 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.
9. Fee shall be paid to the learned Arbitrator in accordance with the Fourth Schedule of the Arbitration Act, as amended.
10. Learned Arbitrator is also requested to complete the proceedings as per the time limit prescribed under Section 29-A of the Act.
11. A request letter alongwith a copy of the order be sent to Sh. Chanchal K. Singla, Senior Advocate.

24.03.2026

(JASGURPREET SINGH PURI)

rakesh

JUDGE

Whether speaking

Whether reportable

:

:

Yes/No

Yes/No