



ARB-558-2024 (O&M) 1

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

ARB-558-2024 (O&M)  
Date of Decision:23.01.2026

M/S SARASWATI AGRO FOODS

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present:- Mr. Sachin Kamboj, Advocate for  
Mr. Vivek Goyal, Advocate for the petitioner.

Mr. Chirag Wadhwa, DAG, Haryana

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**JASGURPREET SINGH PURI J.(Oral)**

1. The present is a petition filed under Section 11 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 appearing on behalf of the petitioner has prayed for an adjournment on the ground that arguing counsel is in some personal difficulty today. However, a perusal of the last order would show that after notice of motion was issued on 14.11.2024 whereby respondent-State had accepted notice and waived service, the matter was adjourned from time to time on the request of counsel for the petitioner. This occurred on five occasions and today again learned proxy counsel stated that arguing counsel is not available today.

**ARB-558-2024 (O&M) 2**

3. On the other hand, learned State counsel submitted that the present petition itself is not maintainable in view of the fact that, although an arbitration clause exists but the same has not been invoked by the petitioner by issuance of any notice. He further submitted that the only documents attached to the present petition are Annexures P-3 and P-4, which are in the nature of representations seeking the appointment of an arbitrator. However, these documents were never received by the respondent, nor were they issued by the petitioner and have been attached with the petition for the first time. In this regard, he referred to Para No. 2(xxvii) of the reply filed by the respondent-State, whereby it has been categorically denied by the respondent-State that any such applications, representations or notices have been received by the respondents. He also submitted that the essential conditions for appointment of an arbitrator under Section 11 of the Act are not satisfied because the petitioner has not invoked the arbitration clause. Therefore, the present petition is liable to be dismissed.

4. I have heard the learned proxy counsel for the petitioner and learned State counsel.

5. Annexures P-3 and P-4 have been attached along with the present petition, which are stated to be notices invoking the arbitration clause. However, a perusal of the same would show that they are in the nature of representations, and there is nothing on record to show the method by which they were served or sent to the respondents. A perusal of para No. 2(xxvii) would show that it has been so averred by the petitioner that these annexures were sent but there is no proof of the mode by which they were sent. Rather, the respondent-State has categorically

**ARB-558-2024 (O&M) 3**

denied the aforesaid sub-para. Therefore, this Court is of the considered view that the present petition is not maintainable since the essential conditions for appointment of an arbitrator under Section 11 of the Act are not satisfied.

6. Consequently, the present petition is hereby dismissed.

7. However, dismissal of the present petition shall not operate as a bar to the filing of a fresh petition, if the petitioner satisfies the essential condition of issuance of notice in accordance with law.

**23.01.2026***shweta***(JASGURPREET SINGH PURI)  
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No