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

**ARB-76-2024 (O&M)
Date of Decision: 16.02.2026**

AXALTA COATING SYSTEMS PVT LTD

.....Petitioner

Versus

LEELA KRISHNA AUTOMOBILES PVT LTD

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Atul Aggarwal, Advocate for the petitioner.

None for the respondent.

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 a sole arbitrator in the present case.

2. Learned counsel for the petitioner submitted that the parties entered into a supply agreement (Annexure P-1), which contains an arbitration clause i.e. Clause No. 12, and vide Clause 12.3 it was agreed between the parties that all disputes or differences whatsoever arising between them out of or relating to the construction, meaning, operation or effect of this agreement or the breach thereof shall be settled amicably and in case the same are not resolved amicably, it shall be referred to arbitration



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to be conducted by a Sole Arbitrator appointed by the parties by mutual consent. He further submitted that since disputes arose between the parties, the petitioner served a legal notice dated 09.09.2022 through speed post/registered post upon the respondent vide Annexure P-4 invoking the arbitration clause and also proposed the name of an Advocate as Arbitrator, but no response was received from the respondent. He further submitted that even before this Court, the respondent chose not to appear and was proceeded against *ex parte* vide order dated 30.01.2026. Therefore, he prayed that this Court may appoint an independent and impartial Arbitrator for adjudicating the disputes which have arisen between the parties.

3. I have heard learned counsel for the petitioner.
4. On the last date of hearing, i.e. 30.01.2026, the respondent was proceeded against *ex parte*. The aforesaid order is reproduced as under:

“An affidavit has been filed regarding service through publication which is taken on record.

Today, nobody has appeared on behalf of the respondent.

The respondent is therefore proceeded exparte.

Adjourned to 16.02.2026 for arguments.”

5. None has appeared on behalf of the respondent today as well.
6. The arbitration clause, i.e. Clause 12.3, referred to by learned counsel for the petitioner, is reproduced as under:-

“12.3 All disputes or differences whatsoever arising between the parties out of or relating to the



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construction, meaning and operation or effect of this Agreement or the breach thereof shall be settled amicably. If, however, the Parties are not able to resolve them amicably within a period of thirty days or any longer period as agreed upon by the Parties from the date of commencement of such negotiation the same would be resolved by arbitration. The dispute may be referred to the arbitration by either Party after issuance of thirty days notice in writing to other, clearly mentioning the nature of the dispute/differences. Such arbitration shall be conducted by a Sole Arbitrator to be appointed by Parties hereto by mutual consent. The Arbitration and Conciliation Act, 1996 or any statutory modification thereof shall apply to the arbitration proceedings and the venue for the arbitration proceedings shall be Gurgaon, Haryana (India). All the arbitration proceeding shall be carried out in English language.”

7. Notice for invocation of the arbitration clause was sent through speed post vide Annexure P-4, and photocopies of the postal receipts are also attached along with the aforesaid notice. In this manner, both the essential conditions for appointment of an Arbitrator, namely, the existence of a valid arbitration clause and invocation of the said clause by issuance of a legal notice (Annexure P-4), stand fulfilled.



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8. In view of the aforesaid facts and circumstances, the present petition is allowed. Hon’ble Ms. Justice Ritu Bahri, Chief Justice (Retired), resident of House No.464, IAS/PCS Officers Society, Mullanpur, New Chandigarh, Punjab, Mobile No.7837049200, Email:j.ritubahri@gmail.com is nominated as the Sole Arbitrator to adjudicate the disputes 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 Hon’ble Ms. Justice Ritu Bahri, Chief Justice (Retired).

16.02.2026
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(JASGURPREET SINGH PURI)
JUDGE

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