2023:PHHC:117257

In the High Court for the States of Punjab and Haryana
At Chandigarh

ARB-73-2022 (O&M)
Date of Decision:-1.9.2023

M/s Kaya Blenders and Distillers Limited … Petitioner

Versus

Vikas Ravindra Diwate ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yashjot Singh Dhaliwal, Advocate for the petitioner.

Respondent is proceeded against *ex parte*.

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GURVINDER SINGH GILL, J. (Oral)

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (in short hereinafter referred to as '*the Act*') for appointment of an Arbitrator.

2. The parties had entered into an agreement dated 27.12.2019 (Annexure P-2), whereby the respondent was authorized to sell/market/distribute and collect orders from Government Corporation for the products of the petitioner in the designated district.

3. Clause - 22 of the agreement dated 27.12.2019 (Annexure P-2) provides for dispute resolution through Arbitration. The clause also provides that the proceedings shall be held at Ludhiana.

4. A dispute having arisen, the petitioner served notice dated 8.11.2021 (Annexure P-5) upon the respondent to appoint an Arbitrator. On failure of respondent to do the needful, the instant petition has been filed.

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5. The respondent has already been proceeded against *ex parte* vide order dated 9.5.2023.

6. In view of the aforestated position, particularly the fact that there exists an arbitration clause in the agreement dated 27.12.2019 (Annexure P-2) and requisite notice had been duly served upon the respondent but the respondent despite service has chosen not to appear and already proceeded against *ex parte* and that there is nothing on record to disentitle the petitioner from invoking arbitration, the petition merits acceptance.

7. Accordingly, Shri G.K. Dhir, District & Sessions Judge (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Shri G.K. Dhir, District & Sessions Judge (Retd.) under Section 12 of the Act with regard to his independence and impartiality to settle the disputes between the parties.

8. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended or as may be mutually settled by the parties and the Arbitrator.

9. As per agreement expressed by learned counsel for the petitioner, for the sake of the convenience of his respective client, as also of the Arbitrator, the venue for the Arbitration shall be at Arbitration Centre, Chandigarh or at any other place convenient to all concerned.

10. After seeking convenience of the Arbitrator, the parties are directed to appear before him on 30.9.2023 at 11:00 A.M. or any other date suitable to all concerned.

11. A copy of this order be sent to the appointed Arbitrator at the given address :

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authenticity of this document

H.No. 572, Old Sunny Enclave, Behind Gurudwara Sahib,
Sector 123-125, Kharar,
District SAS Nagar (Mohali).
Phone No.98157-39308, 85588-03501.

12. The petition is accordingly disposed of in the above mentioned terms.

1.9.2023 **(GURVINDER SINGH GILL)**
Pankaj **JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No

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