



ARB-572-2021 (O & M)

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

254+104

**ARB-572-2021 (O & M)
Date of decision:20.05.2024**

M/S METAL COATER

...PETITIONER

VS.

M/S ANSHU HOSPITAL LTD. AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vaibhav Sehgal, Advocate
for the petitioner.

Mr. Anshul Jain, Advocate
for the respondents.

SUVIR SEHGAL J. (ORAL)

CM-7904-CII-2024

1. Prayer in the application filed under Order 9 Rule 13, CPC, is for recall of order dated 04.08.2023, whereby respondents No.2 to 4 were proceeded against ex-parte.
2. Issue notice of the application to the non-applicant.
3. Mr. Vaibhav Sehgal, Advocate accepts notice on behalf of non-applicant/petitioner. He does not have any objection, in case, the prayer made in the application is accepted.
4. Application is allowed.
5. Order dated 04.08.2023, whereby respondents No.2 to 4 were proceeded against ex-parte, is recalled and they are permitted to participate in the proceedings.

**Main Case**

6. By way of present petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, (for short “the Act”), petitioner has approached this Court for appointment of an Arbitrator to settle the disputes between the parties, which have arisen out of agreement dated 19.10.2007, Annexure P-7.

7. Counsel representing the respondents, upon instructions, submits that the respondents do not have any objection, in case, the prayer made in the petition is acceded to.

8. A joint statement has been made by counsel for the parties that although the arbitration agreement provides for appointment of a three members Tribunal, but in order to avoid expense, a sole Arbitrator be appointed.

9. Accordingly, petition is allowed. Sh. B.S Mehandiratta, District & Sessions Judge (Retd.), H. No. 2509, Extension 6, Near Kidzee School, Old Sunny Enclave, Kharar, SAS Nagar, Mohali, Mobiles No.9814407279/7009881078, is appointed as the sole Arbitrator to adjudicate the dispute between the parties, subject to declaration to be made by him under Section 12 of the Act with regard to his independence and impartiality to adjudicate the dispute.

10 Parties are directed to appear before the learned Arbitrator on 31.05.2024 or on any day, time and place to be fixed and communicated by the learned Arbitrator at his convenience.

11. The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended.



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12. Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the Act.

13. Needless to mention that all the questions arising between the parties in this matter shall remain open for determination in the arbitral proceedings and any observation made hereinabove will not be binding on the learned Arbitrator.

14. Copy of the order be sent to the learned Arbitrator.

15. Pending application(s) are disposed of.

20.05.2024

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**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No