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

ARB No. 161 of 2019 (O&M)

Date of Decision: 16.11.2022

PINNACLE CAPITAL SOLUTIONS PVT LTD

-Petitioner

Versus

SHRI KRISHNA UNLIMITED AND ORS

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Devansh Khanna, Advocate for
Mr.Vaibhav Narang, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

The petitioner has preferred this petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an arbitrator/ arbitral tribunal to adjudicate the dispute between the parties.

Perusal of the record would show that in view of office report dated 20.09.2022, the respondents No.1 to 3 were not served, rather the office of learned counsel for the petitioner did not collect the *dasti* process. On 25.07.2022, the case was adjourned after recording that in case the petitioner wishes to furnish alternate address, the same shall be furnished within a

period of two weeks and thereafter, fresh notices were to be issued for the service of the respondents. Due to some misconception, the office of learned counsel for the petitioner could not do the needful in the context of order dated 25.07.2022. On 29.09.2022, learned counsel for the petitioner made a prayer for the issuance of *dasti* process once again in order to serve the respondents No.1 to 3. Indulgence was granted to learned counsel for the petitioner on 29.09.2022, thereby directing that fresh process fee be filed within a period of three days and on doing so, fresh notices be issued to the respondents for 19.10.2022.

As per office report dated 18.10.2022, *dasti* notices issued to the respondents No.1 to 3 have not been received back so far. Issuance of *dasti* process means that the petitioner is under legal obligation to ensure that a positive effort is made to serve the unserved respondents.

It appears that the petitioner instead of attempting the *dasti* process for the service of respondents No.1 to 3 has handed over the notices to the serving agency, who in turn has not deposited the process back to the office concerned. As of now, the respondents have not been served despite the indulgence granted to the petitioner.

In view of directions issued by the Hon'ble Apex Court in Special Leave Petition (Civil) No.5306 of 2022, all pending applications under Section 11(5) and 11(6) of the Arbitration

Act/or any other application either for substitution of arbitrator and/or change of arbitrator, which are pending for more than one year from the date of filing, must be decided within six months from that date i.e. 19.05.2022.

In view of directions already issued by the Hon'ble Apex Court, this Court has no alternative but to dismiss this petition for want of prosecution.

Ordered accordingly.

(RAJ MOHAN SINGH)
JUDGE

16.11.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No