

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 216

ARB-194-2019

Date of decision : 02.03.2020

M.G.Automobiles

..... Applicant

VERSUS

Honda Motorcycle & Scooter India (P) Ltd.

..... Respondent

2.

ARB-182-2019

Sai Auto Motors Pvt. Ltd.

..... Applicant

VERSUS

Honda Motorcycle & Scooter India (P) Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Sahil Khunger, Advocate, for the applicant.

Mr.Harsh Aggarwal, Advocate, for the respondent.

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DEEPAK SIBAL, J. (ORAL)

The present order shall dispose of two applications being ARB-194-2019 and ARB-182-2019. For the sake of convenience, facts are being taken from ARB-194-2019 “*M.G.Automobiles vs. Honda Motorcycle & Scooter India (P) Ltd.*”

The present application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, the Act) for appointment of an Arbitrator.

The parties entered into a dealership agreement dated 24.12.2012 which contained clause 29 as per which disputes between them were to be settled through the mode of arbitration. The seat of the Arbitrator was agreed to by the parties to be at Gurugram.

Disputes having arisen between the parties, through legal notice dated 27.12.2018 sent to the respondent, the applicant invoked the arbitration clause and proposed the name of three arbitrators but the respondent did not respond to the

same occasioning the filing of the present application for the aforesaid relief.

After hearing learned counsel for the parties and leaving them to raise all their claims/defences/counter-claims which may be available to them in law to be raised before the arbitrator, in both the applications Mr.C.B.Jaglian, District & Sessions Judge (Retd.) is appointed as the sole Arbitrator. However, such appointment would be subject to the declaration to be made by Mr.C.B.Jaglian under Section 12 of the Act with regard to his independence and impartiality to settle the dispute between the parties.

The Arbitrator is requested to complete the proceedings within the time limit specified under Section 29A of the Act.

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.

The venue of the arbitration shall be at Gurugram.

A copy of the this order be forwarded to Mr.C.B.Jaglian, District & Sessions Judge (Retd.) at the given address:-

Flat No. D-503,  
Alaknanda Society,  
Sector 56, Gurugram  
(Mobile No.99990-56150)

After seeking the convenience of the Arbitrator, the parties are directed to appear before the Arbitrator on 13.03.2020 or on any other date suitable to all concerned.

Both the applications being ARB-194-2019 and ARB-182-2019 are disposed of in the above terms.

02.03.2020  
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[ DEEPAK SIBAL ]  
JUDGE

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