

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

237

**2024:PHHC:011679
ARB-14-2023
Date of decision: 29.01.2024**

ISGEC HEAVY ENGINEERING LTD.

..PETITIONER

VS.

M/S MAGIC SOFTWARE ENTERPRISES (I) PVT. LTD.

RESPONDENT

CORAM:HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Harprateek Singh Sandhu, Advocate for the petitioner.

None for the respondent.

SUVIR SEHGAL, J.(ORAL)

1. This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator.
2. Counsel for the petitioner submits that two purchase orders dated 06.04.2018 Annexure P-1 and Annexure P-1/A were placed by the respondent and the software was to be provided till 20.04.2018 which was extended to 30.04.2020. He submits that some disputes arose between the parties and by letter dated 16.07.2020 Annexure P-6, petitioner invoke Arbitration Clause-14 and nominated a former District and Sessions Judge as a Sole Arbitrator. He submits that in response, respondents vide their communication dated 10.08.2021 Annexure P-7 offered to settle the dispute mutually, however, there was no progress and the petitioner served another notice dated 17.09.2021 Annexure P-10 invoking the Arbitration clause to which there is no response.
3. Notice of the petition was served on the respondent and despite service, none has put in appearance. Respondent is accordingly proceeded

against *ex parte*.

4. From the documents on the record, it is apparent that there was an agreement between the parties for providing software solution development and differences arose between the parties. As there are disputes between the parties and Arbitration Clause has been invoked by the petitioner, prayer made in the petition deserves to be accepted.

5. In view of the above, petition is allowed. Mr. Justice Rameshwar Singh Malik, a former Judge of this Court, R/o House No.280, Advocate Society, Sector 49-A, Chandigarh (M-7837049206) 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 between the parties.

6. Parties are directed to appear before the learned Arbitrator on any date, time and place to be fixed by him at his convenience.

7. Copy of the order be sent to the appointed arbitrator.

January 29, 2024
Poonam Sharma

(SUVIR SEHGAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No