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

ARB No. 318 of 2021 (O&M)

Date of Decision: 15.11.2022

M/S FIDELIS HEALTHCARE PRV. LTD.

-Petitioner

Versus

M/S NRI BUILDTECH PVT. LTD.

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms.Manpreet Kaur, Advocate
for the petitioner..

RAJ MOHAN SINGH, J. (Oral)

The petitioner has preferred this writ petition under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of sole arbitrator.

Notice of motion was issued on 28.06.2021. Due to non deposit of process fee, notice could not be issued to the respondent. It was so noticed in the order dated 04.08.2021. The petitioner was granted one week's time to do the needful in the context of depositing requisite process fee. The service could not be effected despite issuance of fresh notice on 22.09.2021. On 25.11.2021, fresh notice was issued to the

respondent. *Dasti* process was also issued. Liberty was granted to the petitioner to serve the respondents by means of e-mail address also. On 23.09.2022, following order was passed:-

“As per office report, ordinary notice issued to the respondent has not been received back so far. Office of learned counsel for the petitioner has not collected the dasti notice.

There is no representation on behalf of the petitioner.

In the interest of justice, adjourned to 19.10.2022.

In the meanwhile, office of learned counsel for the petitioner may take appropriate steps to serve the unserved respondent by the means of dasti process only.”

As per office report, *dasti* notice issued to the respondent has not been received back so far. It was obligatory on the part of the petitioner to effect service by means of *dasti* process. Evidently, office of the learned counsel for the petitioner has not collected the *dasti* process for service of the respondent.

This petition was filed on 03.05.2021. 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

15.11.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No