

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

2024:PHHC:148222



**ARB No. 129 of 2024(O&M)  
Date of Decision: 13.11.2024**

**M/s XAA Developers**

**....Applicant**

vs.

**M/s YFC Projects Private Limited and others**

**....Respondents**

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Jasdeep Singh, Advocate  
for the applicant

None for respondents

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**JAGMOHAN BANSAL, J. (ORAL)**

1. Through instant application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short '1996 Act'), the applicant is seeking appointment of an Arbitrator.

2. Despite service, respondents have opted to refrain from participating in the proceedings before this Court. It appears that the respondents are intentionally avoiding the appearance to delay the proceedings. The matter cannot be kept pending for an indefinite period especially when the prayer in the application is confined to appointment of an Arbitrator who ultimately would adjudicate rights and liabilities of the parties. Thus, this Court is left with no option except to adjudicate the case.

3. The parties entered into an agreement vide purchase order. A dispute erupted between the parties. There is an arbitration clause in the



aforesaid purchase order. The execution of purchase order, arbitration clause in the agreement and service of notice under Section 21 of 1996 Act is not disputed.

4. Conditions to invoke power conferred by Section 11(6) of 1996 Act stand satisfied, thus, I hereby appoint a sole Arbitrator to adjudicate the dispute between the parties.

5. Mr. C.B.Jaglian, District and Sessions Judge (Retd.), residing at Flat No. D-503, Alaknanda CGHS, Plot No. GH-45, Sector-56, Gurgaon(Hy.) Mobile No. 9999056150 is hereby appointed as a Sole Arbitrator to adjudicate the dispute between the parties, subject to compliance of statutory requirements. The learned Arbitrator is requested to comply with mandate of Section 12 of 1996 Act before proceeding further.

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

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

8. The Arbitrator is requested to complete the proceedings as per time limit specified under Section 29-A of the 1996 Act.

9. Needless to mention, parties would be at liberty to raise all the claims/defences/counter claims/pleas before the Arbitrator. Any observation made hereinabove will not be binding on the learned Arbitrator.



10. A request letter along with copy of this order be sent to Mr. C.B.Jaglian.
11. Pending Misc. application(s), if any, shall stand disposed of.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**13.11.2024**  
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No