



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

216

ARB-344-2018

Date of decision: 19.03.2025

BHARAT PETROLEUM CORPORATION LIMITED**...APPLICANT****Vs.****M/S HIMALAYAN GAS AGENCY AND ANR.****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Raman Sharma, Advocate
for the applicant.

None for the respondents.

JAGMOHAN BANSAL, J (ORAL)

1. Through instant application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short '1996 Act'), the applicant is seeking appointment of an Arbitrator.
2. The parties entered into arbitration agreement dated 17.09.1999. A dispute erupted between the parties. The applicant served notice upon the respondents invoking arbitration clause but to no avail.
3. As per orders of this Court, the applicant attempted to serve respondents through counsel who is representing respondent before Civil Court. It is apt to notice that respondents have filed suit against the applicant. The counsel has refused to accept notice on the ground that he had never represented proprietor of the respondent. The proprietor of the respondent has passed away and his widow has filed suit against applicant. It appears that respondent is avoiding service. As per office report, the respondent is not residing at given address.
4. The matter is pending before this Court since October' 2018 and it cannot be kept pending for indefinite period especially when the prayer in the

**ARB-344-2018****-2-**

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.

5. 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.

6. Mr. Sukhdev Singh, Retired Additional District & Sessions Judge, residing at House No. 2433, Sector-79, Mohali, Mobile No. 9815294814 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.

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

8. The Arbitrator shall be paid fee in accordance with the Fourth Schedule of the 1996 Act, as amended.

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

10. 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.

11. A request letter along with copy of this order be sent to Mr. Sukhdev Singh.

19.03.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No