



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

290

ARB-278-2024 (O&M)
Date of decision: 07.04.2025

M/S EXCEL AUTOMOTIVES PRIVATE LIMITED ...APPLICANT

Vs.

M/S FORD INDIA LIMITED

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sahej Mahajan, Advocate
for the applicant.

None for the respondent.

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. On 31.05.2024, the following order was passed:

“Counsel for the petitioner submits that pursuant to a dispute between the parties, an Arbitrator was appointed by this Court in 2008, who passed an award on 31.03.2012, Annexure P2 in favour of the petitioner. He asserts that objections under Section 34 of the Arbitration and Conciliation Act, 1996 preferred by the respondent were dismissed and an appeal filed by it was accepted by this Court by judgment dated 16.12.2022, Annexure P4. He submits that the matter travelled to the Supreme Court and by order dated 10.07.2023, Annexure P5, while dismissing the SLP, petitioner was granted permission to invoke the arbitration clause or file a civil suit in accordance with law in respect of claim Nos.4 to 15. He submits that the petitioner has served a legal notice dated



ARB-278-2024 (O&M)

-2-

04.05.2024, Annexure P6, invoking the arbitration clause, but the respondent in its reply dated 16.05.2024, Annexure P7 has denied the claim.

Issue notice to the respondent returnable on 18.09.2024.”

3. On 05.03.2025, there was no representation of the respondent and in the interest of justice, the matter was adjourned for today. Even today, there is no change in the situation. It appears that respondent has opted to abstain from joining the proceedings before this Court. The matter is pending before this Court since May' 2024 and it cannot be kept pending for 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.

4. The parties entered into arbitration agreement dated 10.02.2000. A dispute erupted between the parties. The applicant served notice upon the respondent invoking arbitration clause but to no avail.

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. Justice Harminder Singh Madaan, former Judge of this Court, residing at House No. 499, The Foot Hills, IAS/PCS Officers Society, New Chandigarh 140901, Mobile No. 8558809915 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. The parties at the first instant will appear before the Arbitrator on 21.04.2025 at 10.00 A.M. and thereafter as directed by learned Arbitrator.



ARB-278-2024 (O&M)

-3-

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. Justice Harminder Singh Madaan.
12. Pending miscellaneous application(s), if any, shall also stand disposed of.

07.04.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

| | |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable | Yes/No |