

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

rpa

ARBITRATION PETITION NO.25 OF 2013

M/s.Hinglaj Enterprises	.. Petitioners
Vs.	
Narsingh Sahakari Sakhar Karkhana Ltd.	
& Ors.	.. Respondents

....
Mr.Sameer A. Kumbhakoni, Advocate for the Petitioners.
None for the Respondents.

....
CORAM : A.A. SAYED, J.

DATED : FEBRUARY 13, 2015.

P.C. :

1 This Petition is filed under Section 11 of the Arbitration and Conciliation Act, 1996, for appointment of an Arbitrator.

2 An Agreement dated 8 August, 2011, was executed between the Petitioner and the Respondents. According to the Petitioner, they had deposited an amount of Rs.5.10 crores with the Respondents as the Respondents were in need of the said amount for manufacturing sugar for the season 2011–12. According to the Petitioner, they are entitled to receive an amount of Rs.2,43,19,500/- (Rupees Two Crores Forty Three Lac Nineteen Thousand Five Hundred), from the Respondents out of the advance amount paid by them.

3 The Petitioner issued a notice through their Advocate wherein the amount of Rs.2,43,19,500/- (Rupees Two Crores Forty Three Lac Nineteen Thousand Five Hundred), was demanded. In reply to the notice through their Advocate, the Respondents have stated that they have not committed any breach of the terms and conditions and that they had orally and in writing offered to take delivery of the available stock of sugar, but the same was not taken by the Petitioner and hence the Petitioner has committed breach of the terms and conditions of the Agreement.

4 In view of the above, it is clear that the existence of Agreement is admitted. The Agreement contains an arbitration clause viz. Clause 14. Despite being served, none has appeared on behalf of the Respondents.

5 In the circumstances, Shri Justice Radhakrishnanan, former Judge of this Court is appointed as an Arbitrator under the Arbitration and Conciliation Act, 1996, to adjudicate the dispute between the parties.

6 Registry to forward the copy of this order alongwith the memo of address of the parties to the learned Arbitrator.

7 Petition is disposed of in the above terms.

8 It would be open for the Petitioners to appear before the learned Arbitrator along with the copy of this order on 2 March, 2015, with prior intimation to the Respondents.

(A.A. SAYED, J.)