

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 8/2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Sagar Anant Joshi for the Petitioner

CORAM : K. K. TATED, J.

DATE : NOVEMBER 27, 2015

P.C.:

1. Heard the learned counsel for the Petitioner.
None for the Respondent though duly served.

2. The learned counsel for the Petitioner filed Affidavit of service dated 27/11/2015 stating that when the Petitioner tried to serve the Respondent by private notice, the Respondent refused to accept the same. This can be treated to be a good service.

3. By this petition under section 11(6) of the Arbitration and Conciliation Act 1996, the Petitioner is seeking to appoint an arbitrator as per leave and license agreement dated 20/07/2012. There was a dispute between the parties. Clause 23 of the said agreement states that if there is dispute between the parties, that can be referred to a sole arbitrator Mr. Adv. Koshar Patil, Vasai. The learned counsel for the Petitioner submits that they tried to find out the address of the said arbitrator, but in vain. Hence, the Petitioner, by his

legal notice dated 11/12/2014 called upon the Respondent to appoint some other person as an arbitrator to resolve the dispute between the parties. In paragraph 19 of the said letter, the Petitioner stated a name of Adv. Kisan Shukre, having his office at 1st floor, Ganesh Tower CHS, near Gaondevi, Thane – 400602 as a sole arbitrator to resolve their dispute arising out of agreement dated 20/07/2012. Said notice was duly served on the Respondent. As the Respondent failed and neglected to appoint an arbitrator, the Petitioner filed the present petition.

4. Considering the submissions made by the learned counsel for the Petitioner and after going through the agreement dated 20/07/2012 and particularly, clause 23, I am satisfied that the Petitioner has made out a case for appointment of an arbitrator. Hence, following order is passed:

- a. The petition is allowed.
- b. Adv. Kisan Shukre, 1st floor, Ganesh Tower CHS, near Gaondevi, Thane – 400602 is appointed as a sole arbitrator as per agreement dated 20/07/2012.
- c. Petition stands disposed off accordingly.

JUDGE