

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 51 OF 2015

Ashwin Devraj Gudka
: V/S :
Padmakar Bhoir

.....Petitioner

.....Respondent

* * * * *

Mr. Dharam Jumanani a/w. Mr. Rohan Mathur i/by. M/s. Ganesh & Co.,
Advocate for the petitioner.

Mr. Abhishek R. Samant a/w. Mr. Sandeep Manubarwala, Advocate for
the respondent.

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Coram :- Smt. R.P. SondurBaldota, J.

29th October, 2015.

P.C. :-

1). This petition is filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 for appointment of sole Arbitrator for adjudication of the dispute between the parties.

2). The parties are the partners of M/s. Shree Sai Corporation Maintenance. There is no dispute as regards the existence of the arbitration agreement. Mr. Samant, the learned Advocate appearing for the respondent has no-objection for referring the matter to arbitration.

He, however, submits that the question as regards the jurisdiction of the Arbitrator to arbitrate the dispute should be left open for consideration of the arbitrator. He argues that, there is no notice issued by the respondent either for dissolution of the firm or making demand for the accounts of the firm. Perusal of Exhibit-B annexed to the petition shows that, the respondent himself had sent notice dated 23rd June, 2015 for dissolution of the firm to the petitioner and had sought for settlement of the Accounts. In that circumstance, it is not open for the respondent to raise contention as regards jurisdiction of the Arbitrator. Hence, the petition is allowed. Advocate Mr. Simil Purohit is appointed as an Arbitrator to adjudicate the dispute between the parties as reflected in the petition.

(SMT. R.P. SONDURBALDOTA, J)