

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 111 OF 2015

M/s.Eurobond Industries Private Limited Applicant

VERSUS

Kamala Casting Private Limited Respondent

Mr.Rohan Mahadik for the Applicant.

None for the Respondent.

CORAM : **R.D. DHANUKA, J.**

DATED : **22nd JULY, 2015**

P.C.

By this petition filed under section 11(6), the applicant seeks appointment of an arbitrator in terms of clause 15 of the purchase order dated 10th December, 2012 issued by the petitioner upon the respondent. Dispute arose between the parties. The applicant vide their advocate's notice dated 30th December, 2014 invoked arbitration agreement and suggested names of the proposed arbitrator. In response to the said letter, the respondent addressed a letter on 7th February, 2015 alleging that the respondent has not received the advance payment after the execution of the purchase order. It is the case of the applicant that the applicant had also made advance payment to the respondent under the said purchase order and has annexed copy of the statement of account in support of the said submission.

2. None appeared for the respondent though served. Affidavit of service is already filed. In my view the arbitration agreement exist in the purchase order dated 10th December, 2012. Since the respondent has not nominated any arbitrator, this application filed under section 11(6) of the Arbitration and Conciliation Act,

1996 is maintainable.

3. Mr.Nikhil Mehta, advocate is appointed as the sole arbitrator.
4. Arbitration application is disposed of in the aforesaid terms. No order as to cost.

[R.D. DHANUKA, J.]