

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 116 OF 2015

Axis Overseas Limited

..... Applicant

VERSUS

**The Maharashtra State Co-operative
Marketing Federation Limited**

..... Respondents

Ms.Radha Kapadia, i/b. M/s.Thakore Jariwala & Associates for the Applicant.
None for the Respondents.

CORAM : R.D. DHANUKA, J.

DATED : 22nd JULY, 2015

P.C.

Learned counsel appearing for the petitioner tenders affidavit of service which indicates that the respondent has been served.

2. By this application filed under section 11(6) of the Arbitration and Conciliation Act, 1996 the applicant seeks appointment of an arbitrator. None appeared for the respondents though served.

3. Learned counsel appearing for the applicant invited my attention to the order placed by the respondent upon the petitioner on 20th December, 2012 and in particular clause 10 thereof which provides for arbitration. Under the said clause the dispute has to be referred to the arbitrator to be appointed by the Managing Director of State Co-operative Marketing Federation Limited, Mumbai.

3. Dispute arose between the parties. The applicant through their advocate's

letter dated 4th February, 2015 invoked arbitration agreement and called upon the respondents to appoint an arbitrator in accordance with the arbitration clause. Though the said letter was received on 6th February 2015, the respondents have not nominated any arbitrator. The applicant has lodged this application under section 11(6) on 8th May, 2015.

4. In my view since the respondent has not nominated any arbitrator within 30 days from the date of receipt of the notice and even before filing of this application under section 11(6) of the Arbitration and Conciliation Act, 1996, the respondents have lost their right to appoint an arbitrator in accordance with clause 10 of the agreement.

5. Mrs. Justice K.K. Baam, former judge of this court is appointed as a sole arbitrator.

6. Arbitration application is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]