

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 119 OF 2015

Libra Retailer Private Limited

..... Applicant

VERSUS

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

..... Respondent

Ms.Mansi Patel, i/b.Thakore Jariwala for the Applicant.

Mr.Abhijit Patil, a/w. Mr.R.B.Patil for the Respondent.

CORAM : R.D. DHANUKA, J.

DATED : 12th AUGUST, 2015

P.C.

There is no dispute that the arbitration agreement exists between the parties. Though the applicant had issued a notice invoking arbitration agreement in terms of clause (10) of the agreement, appointing authority has admittedly not appointed any arbitrator within a period of 30 days and even before filing of this application. In my view the managing director of the Maharashtra State Co-operative Marketing Federation has thus lost right to appoint an arbitrator.

2. Learned counsel for the respondent states that he has no objection if any independent arbitrator is appointed.

3. Shri Justice P.S.Patankar, former Judge of this court having his address at 1902, Rushab Tower, Zakeria Bunder Cross Road, Off. Rafi Ahmed Kidwai Marg, Sewri (W), Mumbai 400 015 is appointed as a sole arbitrator. Arbitration application is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]