

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 153 OF 2013

World Sport Group (India) Private Limited **Applicant**
VERSUS

The Board of Control for Cricket in India **Respondent**

Mr.Aspi Chinoy, Senior Advocate, a/w. Mr.Firdosh Pooniwala, Mr.Akash Rebello, Mr.Naval Sharma, Mr.Keanan Nagporwala, i/b. Tuli & Co. for the Petitioner.

Ms.Akhila Premkumar, a/w. Mr.Adarsh Saxena, Ms.Prabhjyot Chhabra, i/b. Cyril Amarchand Mangaldas for the Respondent.

CORAM : R.D. DHANUKA, J.

DATED : 22nd JULY, 2015

P.C.

By this application filed under section 11 of the Arbitration and Conciliation Act, 1996, the applicant seeks appointment of an arbitrator on behalf of the respondent and has invoked the arbitration agreement recorded in agreement dated 25th March, 2009.

2. There is no dispute that the arbitration agreement exist between the parties.
3. The applicant has nominated Shri Justice S.S.Nijjar, former Judge of the Supreme Court as their nominee arbitrator. The respondent has nominated Shri Justice Mukundakam Sharma, former Judge of the Supreme Court as their nominee arbitrator.
4. The nominee arbitrators appointed by the parties shall appoint a presiding arbitrator in accordance with the provisions of Arbitration and Conciliation Act, 1996.

5. In my view, the allegations of fraud made by the respondent in the facts of this case can be decided by the arbitral tribunal. It is however made clear that whether any fraud is committed or not by the applicant is a matter on merits which can be decided by the arbitral tribunal after considering the facts and evidence before the arbitral tribunal.

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

[R.D. DHANUKA, J.]