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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO.45 OF 2015

M/s.Vijay Galani Moviez
V/s.
Sukhawant Dhadda

...Applicant

...Respondent

Mr.Ram Mani Upadhyay for the Applicant.

Mr.P.G. Lad with Ms.Aparna Murlidharan for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 30TH JUNE, 2015.

P.C. :-

1. By this application filed under section 11 of the Arbitration & Conciliation Act, 1996 (for short "the Arbitration Act"), the applicant seeks appointment of the arbitrator. The arbitration application is opposed by the respondent on the ground that vide letter dated 14th March, 2014 addressed by the applicant to the respondent, the applicant had agreed to relinquish the rights and to allow the respondent to produce and direct the film of its own and which letter, according to learned counsel would amount to novation of the agreement entered into between the parties. It is submitted that in the said letter, there is no arbitration agreement and thus the matter can't be referred to arbitration.

2. A perusal of the said letter clearly indicates that by the said letter the applicant had shown its readiness and willingness to give the clearance to go ahead with the said film subject to the respondent reimbursing the investment amount spent by the applicant. It is not in dispute that the respondent did not agree to the said offer made by the applicant in the said letter dated 14th March, 2014. In my view, the arbitration agreement thus exists between the parties.

3. Both the parties have agreed that the learned designate of the Hon'ble Chief Justice shall appoint an arbitrator from the panel of arbitration of this Court. Mrs. Jayashree Kurup, advocate having office at 204, Raval Tower, 2nd Floor, Sundervan Complex, Off Lokhandwala Road, Andheri (W), Mumbai – 400 053, is appointed as the sole arbitrator.

4 The arbitration application is accordingly disposed of in the aforesaid terms.

(R.D. DHANUKA, J.)