

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

MISCELLANEOUS CIVIL APPLICATION NO.94/2015

M/s. Shree Mahaveer Servo Petrol Point

..Versus..

Indian Oil Corporation Ltd. and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 3.8.2015

Heard Shri M.K. Kulkarni, learned advocate for the applicant
and Shri Rohit Joshi, learned advocate for the non-applicants.

The applicant has filed this application under Section 11(6) of
the Arbitration and Conciliation Act, 1996 praying that an Arbitrator be
appointed to resolve the dispute between the applicant and the
non-applicants. According to the applicant, the dispute concerning the
dealership agreement is required to be dealt with by the sole
Arbitrator - Director (Marketing) of the Corporation or some officer of
the Corporation who may be nominated by the Director (Marketing) as

per Clause 67 of the agreement dated 1st April, 2004. It is submitted that the dispute relating to lease is required to be dealt with by the sole Arbitrator - Managing Director of the Indian Oil Corporation Limited or any other person designated or nominated by the Managing Director.

Shri Joshi, learned advocate for the non-applicants has pointed out order passed by this Court on M.C.A. No.917/2007 on 26th August, 2008 rejecting the prayer of the applicant for appointment of sole Arbitrator for resolving the dispute, keeping it open for the applicant to raise its grievance before the Arbitrator as per the above referred agreement. In view of the above order passed by this Court it would not be open for this Court to again consider the same prayer of the applicant. The application is dismissed with liberty to the applicant to take steps as per Clause (V)(c) of the lease deed dated 26th December, 2003 and as per Clause 67 of the Dealership Agreement dated 1st April, 2004. The application is disposed. No costs.

JUDGE