

IN THE HIGH COURT OF BOMBAY AT GOA

APPLN. FOR APPOINTMENT OF ARBITRATOR NO. 1 OF 2014

M/S HIRA STEELS LTD. THROUGH ITS
AUTHORISED REP. PANKAJ AGRAWAL

... Applicant

Versus

M/S STARWAYS LOGISTICS REP. BY
SHRI. DEEPAK AGARWAL

... Respondent

Mr. Rohit Bras De Sa, Advocate for the applicant.
None for the respondents, though served.

Coram:- F. M. REIS, J.

Date:- 11th February, 2016

P.C.:

Heard Mr. Rohit Bras de Sa, learned Counsel appearing for the applicant. None for the respondent, though served.

2. This is an application filed by the applicant for appointment of an arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996.

3. It is pointed out by Mr. Rohit Bras de Sa, learned Counsel appearing for the applicant that the correspondence between the parties clearly reveals that though the respondents have admitted to refund the amount, upto this date no amount has been forthcoming from the respondents. It is further submitted that a notice was issued to appoint an arbitrator, and the respondents failed to accede to such

request and as such, the above application has been filed to appoint an arbitrator.

4. On perusal of the agreement between the parties, it cannot be disputed that there is an arbitration clause therein and the dispute raised is based on such agreement. In such circumstances, the applicants are entitled to get an arbitrator appointed to adjudicate the dispute between the parties under Section 11(6) of the Arbitration and Conciliation Act, 1996.

5. In view of the above, I pass the following Order :

(I) Justice Shri N.A. Britto, retired Judge of this Court is appointed as a Sole Arbitrator to decide and adjudicate the disputes between the parties, in accordance with law.

(II) All contentions of both the parties are left open.

(III) The application stands disposed of accordingly.

F. M. REIS, J.

ssm.