

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 57 OF 2016

Pallazzio Hotels and Leisure Ltd. ... Applicant

Versus

Carzonrent (India) Pvt. Ltd. ... Respondent

AND

ARBITRATION APPLICATION NO. 78 OF 2016

Carzonrent (India) Pvt. Ltd. ... Applicant

Versus

Pallazzio Hotels and Leisure Ltd. ... Respondent

Mr. S. Das i/by Mahernosh Humranwala, for Applicant in ARBAP 57 of 2016 and for Respondent in ARBAP 78 of 2016.

Mr. Mahesh Londhe i/by M/s. Sanjay Udeshi and Co., for Respondent in ARBAP 57 of 2016 and for Applicant in ARBAP 78 of 2016.

CORAM : S.J. KATHAWALLA, J.
DATED : 23rd MARCH, 2016

P.C.

1. On 17th March, 2016 this Court passed the following order :

“By an order dated 28th January, 2016, by consent of the parties, Mr. Naushad Engineer, Advocate was appointed as an Arbitrator to resolve the disputes between the parties arising out of the Service Agreement 16th October, 2012. However, Mr. Naushad Engineer, Advocate has expressed his inability to act as an Arbitrator in the matter. The Court therefore proposes to appoint Mr. Jimmy Avasia, Advocate to resolve the disputes between the parties arising out of the Service Agreement 16th

October, 2012. In view thereof, Mr. Jimmy Avasia, Advocate shall submit disclosure under Section 11 (8) read with Section 12 (1) of Arbitration and Conciliation Act, 1996.

2. The Advocates for the parties shall forward a copy of this order to Mr. Jimmy Avasia, Advocate.

3. All concerned to act on an ordinary copy of this order, duly authenticated by the learned Associate of this Court.

4. Place the above Arbitration Application along with Arbitration Application No. 78 of 2016 on 23rd March, 2016.”

2. Pursuant to the above order, Mr. Jimmy Avasia, Advocate has filed disclosure under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996. The learned Advocates for the parties have gone through the disclosure and have informed the Court that they have no objection qua the disclosure and appointment of Mr. Jimmy Avasia. The disclosure is taken on record and the following order is passed by consent :

- i. The disputes arising out of the Service Agreement dated 16-10-2012 between the parties are referred to the sole Arbitration of Mr. Jimmy Avasia, Advocate.
- ii. The parties shall appear before the learned Arbitrator in his chambers, on 28th March, 2016 at 5.00 p.m. and obtain necessary directions.
- iii. The cost of arbitration shall initially be borne by the parties equally.

- iv. All contentions of the parties are kept open.
- v. The venue of Arbitration shall be at Mumbai.
- 3. In view of this order, the above Arbitration Applications are disposed of.

(S.J.KATHAWALLA, J.)