

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

ARBITRATION APPLICATION NO.201 OF 2016

M/s. Percept Limited ... Applicant
versus
Cinekorn Entertainment ... Respondent

Mr. Nikhil Wable with Ms. Pratiksha Kabre i/by M/s. Jayakar and Partners, for Applicant.

Mr. Rohan Sawant with Ms. Miloni Gala i/by Mr. Mahesh Mahadgut, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 14th OCTOBER, 2016

P.C.:

1. Admittedly, disputes have arisen between the parties under the License Agreement dated 17th September, 2012 (the said Agreement). Also admittedly, Article 14 of the said Agreement provides that any dispute which may arise between the parties, shall be attempted to be amicably settled and in case of failure, the dispute to be referred to the sole arbitrator. It is also agreed that the venue of the arbitration shall be at Mumbai. Admittedly, the parties have failed to settle their disputes. The only contention sought to be raised by the Respondent is that the claim of the Applicant is barred by the Law of Limitation, which issue can be left open to be decided by the learned Arbitrator. In view thereof, the following order is passed :

(i) Mr. Shyam Kapadia, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the License Agreement dated 17-

09-2012.

(ii) The disclosure of Mr. Shyam Kapadia, Advocate under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 is taken on record.

(iii) The parties shall appear before the learned Arbitrator in his chambers, on 15th October, 2016 at 10.0 a.m. and obtain necessary directions.

(iv) The learned Arbitrator shall endeavour to pass his Final Award within a period of four months from today.

(v) All contentions of the parties are kept open.

(vi) The cost of arbitration shall initially be borne by the parties equally.

(vii) The venue of Arbitration shall be at Mumbai.

(viii) In view of this order, the above Arbitration Application is disposed of.

(S.J.KATHAWALLA, J.)