

M/s. Bhupal Jayawant Desai and Sons	...	Applicant
Versus		
Chief General Manager,		
Bharat Sanchar Nigam Limited & Ors.	...	Respondents

Mr. S.S. Koregave for the Applicant.
Ms. Neeta V. Masurkar for Respondent Nos. 1 to 3.

CORAM : S.J. KATHAWALLA, J.
DATED : 18TH MARCH, 2016

1. On 23rd February, 2016 this Court passed the following order :

“1. By an order dated 30-09-2015, it is recorded that both the parties have agreed to suggest the name of an independent arbitrator from Kolhapur. The matter was therefore, adjourned to 07-10-2015. Thereafter, the parties had agreed to appoint Mr. V.S.Gulavani, Retired District Judge for being appointed as Arbitrator to adjudicate the dispute between them. However, Mr. V.S.Gulavani expressed his inability to act as an Arbitrator in the matter. The matter was therefore, adjourned to 22-01-2016, 25-01-2016, 08-02-2016, 12-02-2016 and 17-02-2016. The parties have till date not agreed on any name to be appointed as an Arbitrator. In view thereof, this Court proposes to appoint Mr. K.A. Kapse, Advocate as a Sole Arbitrator to decide the disputes between the parties arising out of the Lease Agreement dated 02-06-2009. In view thereof, Mr. K.A. Kapse, 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.

K.A. Kapse, Advocate.

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

4. Stand over to 4th March, 2016. ”

2. Pursuant to the above order, Mr. K.A. Kapse, Advocate has filed disclosure under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996. The disclosure is taken on record and the following order is passed by consent :

i. The disputes arising out of the Lease Agreements dated 20th November, 1998, 20th November, 2003 and 2nd June, 2009 between the parties are referred to the sole Arbitration of Mr. K.A. Kapse, Advocate.

ii. The parties shall appear before the learned Arbitrator in his chambers, on 20th March, 2016 at 11.00 a.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 Kolhapur.

3. In view of this order, the above Arbitration Application is disposed of.

(S.J.KATHAWALLA, J.)