

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 328 OF 2015**

Suhail Chaudhary	...	Applicant
Versus		
Tariq Shafiq Usman	...	Respondent

Mr. Anand Mishra for the Applicant.
None for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 22ND MARCH, 2016

P.C. :

1. On 26th February, 2016 this Court passed an order, paragraph 3 of which is relevant and is reproduced hereunder : :

“3. From the aforestated facts, it is clear that there exists a valid agreement between the parties to have their disputes, arising out of the MOU dated 9th July, 2014 referred to arbitration. The Applicant has invoked the arbitration agreement by his letter dated 15th May, 2015 . However, the Respondent has failed to respond to the said letter. It is therefore clear that the Respondent has failed to appoint an Arbitrator to resolve their disputes. Hence, the following order :

i. The Court proposes to appoint Mr. Rashmin Khandekar, Advocate to decide the disputes of the Applicant and the Respondent arising out of the MOU dated 9th July, 2014. In

view thereof, Mr. Rashmin Khandekar, Advocate shall submit disclosure under Section 11 (8) read with Section 12 (1) of Arbitration and Conciliation Act, 1996.

ii. The Advocates for the Applicant shall forward a copy of this order to Rashmin Khandekar, Advocate as well as to the Respondents.

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

iv. Stand over to 4th March, 2016. ”

2. Pursuant to the above order, Mr. Rashmin Khandekar, 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 MOU dated 9th July, 2014 between the parties are referred to the sole Arbitration of Mr. Rashmin Khandekar, Advocate.

ii. The parties shall appear before the learned Arbitrator in his chambers, on 1st April, 2016 at 5.00 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 Mumbai.

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

4. A copy of this order shall be served to the Respondent by the Advocate for

the Applicant by hand delivery as well as by Speed Post AD.

(S.J.KATHAWALLA, J.)