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The Arbitration Petition challenges the mandate of an Arbitrator appointed in the matter of reference. None appears for the Petitioners. Even on the last occasion, none had appeared for the Petitioners. The challenge to the mandate of the Arbitrator is on the basis that the Arbitrator is appointed by the Respondent on its own choice without seeking the Petitioners' consent. The arbitration clause of the agreement provides that all the claims, disputes and differences between the parties shall be referred to the sole Arbitrator to be appointed by the Respondent. Accordingly, the Respondent has appointed Shri P.D. Thakare as the Sole Arbitrator in the matter of reference. The Arbitrator has accepted the appointment and the hearing of the arbitration has commenced before the sole Arbitrator. The Respondent has also filed a

claim statement in the reference. In the premises, there is no merit in the Arbitration Petition. The petition is dismissed. No order as to costs.

**( S.C.GUPTE, J. )**