

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.50 OF 2016**

S.D. Corporation Pvt. Ltd. ... Applicant
versus
Harish Kirtikant Sheth and Anr. ... Respondents

Ms. Sujata More i/by M/s. Desai Desai Carrimjee and Mulla, for Applicant.
Mr. S. Iyer i/by M/s. Ganesh and Co., for Respondents.

CORAM: S.J. KATHAWALLA, J.

DATE: 26th FEBRUARY, 2016

P.C.:

1. On 18th February, 2016, this Court passed the following order :

“1. On 15th February, 2016 this Court passed the following order :

“ 1.The learned Advocates appearing for the parties have informed the Court that the Court may appoint any Advocate as the sole Arbitrator to decide the disputes between the parties arising out of the Articles of Agreement dated 30th December, 2009. The Court proposes to appoint Mr.Sharan Jagtiani, Advocate. In view thereof, Mr. Sharan Jagtiani, 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. Sharan Jagtiani, 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 18th February, 2016 .”

- 2. Mr. Sharan Jagtiani, Advocate has expressed his inability to act as Arbitrator in the above mater. In view thereof, by consent of the parties, the disputes between the parties arising out of Articles of Agreement dated 30th December, 2009 are proposed to be referred to Mr. Salil Shah, Advocate. Mr. Salil Shah, Advocate shall submit disclosure under Section 11 (8) read with Section 12 (1) of Arbitration and Conciliation Act, 1996.*
- 3. The Advocates for the parties shall forward a copy of this order to Mr. Salil Shah, Advocate.*
- 4. All concerned to act on an ordinary copy of this order, duly authenticated by the learned Associate of this Court.*
- 5. Stand over to 25th February, 2016”.*

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

- i. The disputes between the parties arising out of Article of Agreement dated 30th December, 2009 are referred to the sole Arbitration of Mr. Salil Shah, Advocate.
- ii. The parties shall appear before the learned Arbitrator in his chambers, on 2nd 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 Application is disposed of.

(S.J.KATHAWALLA, J.)