

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

ARBITRATION PETITION NO.958 OF 2016

Mr. Manoj Kumar S/o. Shyam Kishore OjhaPetitioner
Vs.
M/s. Shree Durga Multitrade Pvt. Ltd.Respondents

Mr. Anand Mishra a/w. Mr. Sushil Upadhyay i/b. Mr. Ashok M. Saraogi for petitioner.
None for respondents.

**CORAM : K.R.SHRIRAM, J.
DATE : 6th SEPTEMBER, 2017**

PC.:

1 Mr. Mishra, counsel for petitioner states that further to the order dated 7th June, 2017, petitioner has served the petition on respondents by publication in two local newspapers, that is to say, Free Press Journal in English and Navshakti in Marathi, with returnable date as 26th July, 2017. Petitioner has filed an affidavit of service of one Rajesh Mandavkar affirmed on 25th July, 2017.

2 Heard the counsel for petitioner. The arbitration clause provided that all disputes between the parties will be referred to common arbitrator Mr. Nagesh Mishra (Advocate). Pursuant thereto, Advocate Mr. Nagesh Mishra was appointed as Arbitrator.

3 Mr. Mishra, counsel for petitioner states that Mr. Nagesh Mishra, whose name was mentioned to be the sole Arbitrator, subsequently acted on behalf of petitioner with regard to the Agreement dated

13th February, 2015 and therefore, Mr. Nagesh Mishra cannot be appointed as Arbitrator. Mr. Mishra further states that instead of Mr. Nagesh Mishra any other competent person be appointed as Arbitrator. Respondents though served have not appeared nor any reply has been filed.

4 Therefore, Mr. Ashok Shetty, Advocate having office at 14A/ 3rd Floor, Sanjay CHS, Opposite Bengal Chemicals, Veer Savarkar Marg, Mumbai – 400 025 (Contact No.9821039980/022-24312711/022-242234 14, email ID – adshetty51@yahoo.com), is appointed as sole Arbitrator to decide on all disputes arising out of or in connection with or relating to the agreement dated 13th February, 2015.

5 Petition accordingly stands disposed.

(K.R. SHRIRAM, J.)