

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

ARBITRATION PETITION NO. 1289 OF 2015

India Factoring and Finance
Solutions Limited

.. Petitioner

Vs.

Lorgan Lifestyle Limited & Ors.

.. Respondents

Mr.Vivek Patil i/b Vivek Patil and Associates for petitioner.

Ms.Uma Shailesh Palsuledesai for respondent Nos.1 to 10.

**CORAM : K.R.SHRIRAM, J.
DATE : 9TH NOVEMBER 2017**

P.C.

1 The counsel for petitioner and counsel for respondent Nos.1 to 10 jointly state that the order dated 23rd July 2015 be confirmed as order in this petition and petition be disposed accordingly.

2 The parties agree that their disputes and differences arising out of the Factoring Agreement dated 8th January 2013 which is the subject matter of the petition including counterclaim, if any, be referred to arbitration. Counsels also state that Shri Pradip V. Bavkar (Retired Principal District Judge) be appointed as Sole Arbitrator.

3 Counsel for petitioner states that there are two other properties in

addition to the properties mentioned in Exh. “T” to the petition which has come to the knowledge of petitioner and petitioner be given liberty to take out fresh application under Section 17 of the said Act before the Arbitrator for appropriate reliefs with respect to those two properties. Therefore, the following order is passed :

- (i) The order dated 23rd July 2015 is confirmed as order in this arbitration petition and petition accordingly disposed.
- (ii) Shri Pradip V. Bavkar (Retired Principal District Judge) having office at 16/12, New Bake House, Maharashtra Chambers of Commerce Lane, 3rd Floor, Office No.306, Kalaghoda, Mumbai, Telephone No. 022/22874322; Mobile No.9987239367 is appointed as sole Arbitrator. The Arbitrator to arbitrate on all disputes and differences, including counterclaim, if any, arising out of and/or in connection with and/or in relation to the letter dated 28th December 2012 read with Factoring Agreement dated 8th January 2013.
- (iii) Petitioner and respondent Nos.1 to 10 are at liberty to take out fresh application before the learned Arbitrator under Section 17 of the Arbitration and Conciliation Act, 1996 (The said Act).
- (iv) All rights and contentions of parties are kept open.

(v) The fees, administrative expenses, typing charges and venue expenses of the Arbitrator shall be shared equally between parties, i.e., 50% by petitioner and 50% by respondent Nos. 1 to 10 to the arbitration proceedings and the same will be costs in the arbitration proceedings.

(vi) Within four weeks of receiving a communication from the advocate for petitioner and/or respondent nos. 1 to 10, the Arbitrator shall give in writing, to advocate for petitioner and advocate for respondents, disclosure as required under Section (11)(8) read with Section 12(1) of the said Act.

4 Petition accordingly disposed.

(K.R. SHRIRAM, J.)