

IN THE HIGH COURT OF BOMBAY AT GOA**APPLN. FOR APPOINTMENT OF ARBITRATOR**
NO. 10/2017

ASHAPURA MINECHEM LTD., THR. AUT.

REP. BY DATTATRAY TIDKE

... APPLICANT

Versus

AMALGIRIS & 2 ORS.

... RESPONDENTS

Ms. Yadika Mandrekar, Advocate for the Applicant.

CORAM : C.V. BHADANG, J.**Date : 12th January, 2018**

P.C:

This is an application under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator.

2. There is a contract entered into by the parties on 08.04.2011, under which the petitioner had agreed to purchase Iron Ore fines from the respondents. The arbitration clause, as contained in the agreement, reads as under:-

“In the event any dispute arises out of this Contract, the parties shall attempt in the first instance to resolve such dispute through negotiations between the parties. If the dispute is not resolved through negotiations within seven (7) business days after commencement of discussions, then either of the parties may by notice in writing to other, refer the dispute for resolution by binding arbitration in

accordance with the procedure under the Arbitration and Conciliation Act, 1996.”

3. As disputes and differences arose between the parties, in relation to the execution of the contract, the petitioner addressed a notice to the respondents on 12.05.2016, followed by another notice dated 22.10.2016, seeking reference of the dispute to an Arbitrator, proposing the names of the Arbitrators, who can be appointed. It is contended that inspite of service, the respondents have failed to respond, which led the petitioner to file this application.

4. The record shows that the notice of this application has been served on the respondents, however, none appears. In such circumstances and in view of the arbitration agreement between the parties, the following order is passed:-

(i) Mr. Justice F.I. Rebello, former Judge of this Court is appointed as an Arbitrator, to adjudicate the dispute between the parties, arising out of the agreement dated 08.04.2011.

(ii) The application is disposed of in the aforesaid terms.

C.V. BHADANG, J.

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