

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.40 OF 2017

Tetra Pak India Private Limited

... Petitioner

Versus

Surya Healthcare Industries Limited

... Respondent

Mr. Ashish Kamat alongwith Mr. Kunal Mehta and Mr. Manik Joshi instructed by M/s. Crawford Bayley & Co. for the Petitioner in both the Petitions.
None for the Respondent in both the Petitions.

CORAM : S.J. KATHAWALLA, J.
DATED : 24th JULY, 2018

P.C.:

1. Perused the order dated 20th July, 2018. In the said order, the name of 'Mr. Anurag Jain, Advocate' be substituted as 'Mr. Justice D.G. Karnik, former Judge of this Court'.
2. Pursuant thereto, Mr. Justice D.G. Karnik, former Judge of this Court has submitted his disclosure under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996 as amended by the Arbitration and Conciliation (Amendment) Act, 2015 (Act No.3 of 2016) (*the Act*). The disclosure filed by 'Mr. Justice D.G. Karnik, former Judge of this Court, dated 24th July, 2018, is taken on record. In view thereof, the following order is passed :

(a) 'Mr. Justice D.G. Karnik, former Judge of this Court is appointed as the sole Arbitrator to decide the disputes between the Petitioner and Respondent arising out of the Equipment Rental Agreement (Operating Lease) dated 1st January 2011, Equipment Sale Agreement dated 25th September 2009 and Sales Agreement dated 5th January 2015.

(b) The disputes referred to the Learned Arbitrator are the disputes under three separate Agreements and shall therefore be treated as three separate References.

(c) The parties and/or their Advocates shall appear before the Learned Arbitrator in his Chambers on 28th July, 2018 at 11.00 a.m. and obtain necessary directions.

(d) The venue of arbitration shall be at Pune.

(e) The Learned Arbitrator shall not grant adjournment/s to the parties unless absolutely necessary.

(f) The cost of arbitration shall initially be borne by the parties equally.

(g) All contentions of the parties are kept open.

3. In view of this order, the above Arbitration Petition is disposed off.

(S.J.KATHAWALLA, J.)