

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 79 OF 2018

Smarthem Technologies Limited ... Petitioner

Versus

M/s. Shree Balaji Warehousing & Transport Services ... Respondent

Mr. Yuvraj Singh instructed by M/s. Desai & Diwanji for the Petitioner.
None for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 20th DECEMBER, 2018

P.C.:

1. On 14th December, 2018, this Court has passed the order, Paragraphs 6 and 7 of which are reproduced hereunder :-

“6. The above Petition is served on the Respondent, however, they have failed to remain present before the Court or to file their reply. According to the Petitioner, the Respondent had earlier refused service of the above Petition. This Court had therefore directed the Petitioner to serve the above Petition by hand-delivery with the assistance of the local Police. The same is served on 10th December, 2018. However, despite being informed that the matter shall be taken up today for hearing, the Respondent is not present in Court.

7. In view of the above, there exists valid Arbitration Agreements dated 8th December, 2015, between the parties. Hence, the following order :

(i) The Court proposes to appoint Mr. J.S. Kapre, Retired District Judge, as a sole Arbitrator to decide the disputes between the Petitioner and the Respondent arising out of the Clearing and Forwarding Agreement dated 1st

December, 2015. In view thereof, Mr. J.S. Kapre, Retired District Judge, shall submit 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 on or before 20th December, 2018.

(ii) The Advocate for the Petitioner shall forward a copy of this order to Mr. J.S. Kapre, Retired District Judge, as well as to the Respondent.

(iii) All concerned to act on an ordinary copy of this order, duly authenticated by the Learned Associate of this Court.”

2. The Learned Advocate for the Petitioner has filed disclosure of Mr. J.S. Kapre, Retired District Judge. The same is taken on record.
3. Since there is a delay in uploading the copy of the order dated 14th December, 2018, a copy of the same could not be served on the Respondent. A copy of this order alongwith a copy of the order dated 14th December, 2018 shall be served on the Respondent if necessary by hand-delivery.

(S.J.KATHAWALLA, J.)