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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION No. 14 of 2018

Sunil Tulsidas Gadekar & Anr ..Petitioners.

Vs

Vindyawasani Marine Services Ltd & Anr ..Respondents.

Mr. Rajesh Dubey Advocate, for the petitioners.

None for the Respondents.

CORAM : S.J. KATHAWALLA, J.

DATED :- 13th December, 2018.

P.C. :-

1 Perused the order dated 22nd November, 2018. Paragraph 8 of which is reproduced herein :-

“8. It is therefore clear that despite the Arbitration Agreement (Clause 25 of the Funding Agreement), the Respondents have failed to appoint an Arbitrator to resolve their disputes. Hence the following order :-

- i. *The Court proposes to appoint Mr. Jehaan Mehta, Advocate as a sole Arbitrator to decide the disputes between the Petitioners and the Respondent No.1 arising out of Funding Agreement dated 2nd September, 2015.*

- ii. *Mr. Jehan Mehta, Advocate, shall on or before 30th November, 2018 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.*
- iii. *The Advocate for the Petitioners shall forthwith forward a copy of this order to Mr. Jehaan Mehta, Advocate.*
- iv. *The Advocate for the Petitioners shall also serve a copy of this order on the Respondents by hand delivery, at their last known addresses.*
- v. *All concerned to act on an ordinary copy of this order, duly authenticated by the Associate/Private Secretary/Personal Assistant of this Court.*
- vi. *Stand over to 30th November, 2018.”*

2 Mr. Jehaan Mehta Advocate has filed his disclosure dated 29th November, 2018 under Section 11 (8) read with section 12 (1) of the Arbitration and Conciliation Act, 1996. The same is taken on record. A copy of the order dated 22nd November, 2018 is also served on the respondent No.1 by the advocate appearing on behalf of the petitioners and an affidavit proving service dated 30th November, 2018 is filed. In view thereof, the following order is passed:

i. *Mr. Jehaan Mehta, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the agreement dated 2nd September, 2015.*

ii. *The parties and their Advocates shall appear before the learned Arbitrator within a period of one week from today and obtain necessary directions.*

iii. *The cost of arbitration shall be initially borne by the parties equally.*

iv. *The venue of the arbitration shall be at Navi Mumbai.*

v. *The Advocate for the petitioners shall forthwith forward copies of this order to the learned Arbitrator and the the Respondents by hand delivery.*

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

(S.J. KATHAWALLA, J.)