

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION NO.28 OF 2018

M/s. Raisonni Ventures Pvt. Ltd. ... Petitioner
versus
M/s. L'Orange Design and Retail Pvt. Ltd.
And Ors. ... Respondents

Mr. Kamlesh Ghumre with Ms. Sonali Jadhav, for Petitioner.
None for Respondents.

CORAM: S.J. KATHAWALLA, J.

DATE: 8th JUNE, 2018

P.C.:

1. On 16th March, 2018 this Court passed a detailed order, paragraph 4 of which is reproduced hereunder :

“4. It is therefore clear that the Respondents have failed to appoint an Arbitrator to resolve the disputes between the Applicant and the Respondents. Hence, the following order :-

i) The Court proposes to appoint Mr. Vinayak N. Abhyankar, Advocate, having his Office at B-19, Lawyer Chambers, District Court, Shivaji Nagar, Pune - 411 005, mobile No. : 9890973406, e-mail ID : vnabhyankarassociate@rediffmail.com, as a sole Arbitrator to decide the disputes between the Petitioner and the Respondents arising out of Franchisee Agreement dated 29th July, 2016. In view thereof, Mr. Vinayak N. Abhyankar, Advocate 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.

ii) The Advocate for the Petitioner shall forward a copy of this order to Mr. Vinayak N. Abhyankar, Advocate as well as to the Respondents by Speed Post/Registered Post A.D at their last known addresses.

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

iv) Stand over to 23rd March, 2018.”

2. Pursuant to the said order, Mr. Vinayak N. Abhyankar, Advocate, has filed 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, which is taken on record. A copy of the order dated 16th March, 2018 was sought to be forwarded to the Respondents. However, the packets have been returned with the remarks 'Refused'. None appear for the Respondents when called out. In view thereof, the following order is passed :

(i) Mr. Vinayak N. Abhyankar, Advocate is appointed as a sole Arbitrator to decide the disputes between the parties that have arisen under the Franchisee Agreement dated 29th July, 2016.

(ii) The parties shall appear before the learned Arbitrator in his chambers, on 16th June, 2018 at 11.00 a.m. and obtain necessary directions.

(iii) The learned Arbitrator shall not grant adjournments to the parties unless absolutely necessary.

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

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

(vi) The venue of Arbitration shall be at Pune.

(vii) In view of this order, the above Arbitration Petition is disposed of.

(viii) A copy of this order shall be forthwith served on the Respondents by hand delivery. The Senior Inspector of the local police station shall assist the Advocate for the Petitioner/Petitioner in serving a copy of this order on the Respondents and to obtain their acknowledgments.

(S.J.KATHAWALLA,J.)