

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.108 OF 2018**

Kamal Narwani	...	Petitioner
versus		
Kusum Jagasia	...	Respondent

Mr. Venkateshwar Satyanarayan, for Applicant.
None for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 2nd AUGUST, 2018

P.C.:

1. On 26th July, 2018 this Court passed an order, paragraph No.3 of which is reproduced hereunder :

3. Since disputes arose between the parties, the Applicant by his Advocate's letter dated 24th December, 2017 invoked the arbitration clause. The Respondent through her Advocate's letter dated 8th January, 2018 refused to accept the appointment of the Arbitrator on the ground that the documents are fraudulent. The Applicant has therefore filed the present Petition and has served the above Application on the Respondent. However, the Respondent has not come forward to oppose the Application. In view thereof, the following order is passed :-

- i. The Court proposes to appoint Mr. Shyam Kapadia, Advocate as the sole Arbitrator to decide the disputes between the parties arising out of Development Agreement dated 8th October, 2014.*
- ii. Mr. Shyam Kapadia, 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 (Act No.3 of 2016) on or before 2nd August, 2018.

iii. Advocate for the Applicant shall serve a copy of this order on the Respondent by hand-delivery.

iii. Stand over to 2nd August, 2018.”

2. Pursuant to the above order, Mr. Shyam Kapadia, 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 (Act No.3 of 2016). Though a copy of the order dated 26th July, 2018 is served on the Respondent by hand delivery, the Respondent is not present by herself and/or through her Advocate. She has also not filed any Affidavit in Reply opposing the above Application. In view thereof, I pass the following order :

(i) Mr. Shyam Kapadia, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Development Agreement dated 8th October, 2014.

(ii) The parties shall appear before the learned Arbitrator in his chambers at 11-C, 1st Floor, Examiner Press Building, Dalal Street, Fort, Mumbai – 400 001 on 11th August, 2018 at 11.00 a.m. and obtain necessary directions.

(iii) The learned Arbitrator shall endeavour to pass his final Award within a period of six months from the date of this order.

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

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

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

(vii) The venue of Arbitration shall be at Mumbai.

(viii) In view of this order, the above Arbitration Application is disposed of.

(S.J.KATHAWALLA, J.)

Swaroop
Sharad
Phadke

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by Swaroop
Sharad Phadke
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