

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.122 OF 2018**

Ashish R. Mehta	...	Applicant
versus		
Bhavin R. Mehta	...	Respondent

Mr. Hasmit Trivedi with Mr. Vasim Shaikh I/by M/s. Pravin Mehta and Mithi and Co., for Applicant.
None for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 10th AUGUST, 2018

P.C.:

1. On 2nd August, 2018 this Court passed an order, paragraph Nos.5 and 6 of which are relevant and reproduced hereunder :

“5. Since the disputes arose between the parties, the Applicant by his Advocate's letter dated 11-12-2017 invoked the arbitration clause and suggested the name of an Advocate to act as sole Arbitrator to decide the disputes between the parties arising out of the Deed of Partnership. However, the Respondent failed to respond to the said letter of invocation. The Applicant was therefore constrained to file the present Application seeking appointment of a Sole Arbitrator.

6. Though a copy of the Application is served on the Respondent, none appear for the Respondent. The Respondent has failed to remain present by himself and/or through his Advocate/s. He has not filed any Affidavit in Reply opposing the above Application. The Respondents have not agreed to

the name of the Arbitrator, suggested by the Applicant and has also not suggested the name of any other person to act as Arbitrator in the matter. It is therefore clear that the Respondents have failed to appoint an Arbitrator to resolve their disputes. Hence, the following order :-

(i) The Court proposes to appoint Ms. R.R.Soni, Advocate as a sole Arbitrator to decide the disputes between the Applicant and the Respondents arising out of the Partnership Deed dated 17th May, 2004. In view thereof, Mr. R.R.Soni, 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 Applicant shall forward a copy of this order to Mr. R.R.Soni, Advocate as well as to the Respondent by hand delivery.

Stand over to 10th August, 2018.”

2. Pursuant to the said order, the learned Arbitrator 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 (3 of 2016), which is taken on record. Though a copy of the order dated 2nd August, 2018 is served on the Respondent, none appear for the Respondent. In view thereof, the following order is passed :

(i) Mr. R.R.Soni, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Partnership Deed dated 17th May,

2004.

(ii) The parties and/or their Advocates shall appear before the learned Arbitrator in his chambers, on 14th August, 2018 at 5.00 p.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.

(ix) A copy of this order shall be forthwith served on the learned Arbitrator as well as on the Respondent by hand delivery.

(S.J.KATHAWALLA, J.)

Swaroop
Sharad
Phadke

Digitally signed
by Swaroop
Sharad Phadke
Date:
2018.08.13
15:30:52 +0530