

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
ARBITRATION APPLICATION NO.82 OF 2017**

Group M Media India Pvt. Ltd.	...	Applicant
versus		
Best Foods Ltd.	...	Respondent

Ms. Anusha Jacob with Mr. Yash Momaya i/by M/s. DSK Legal, for Applicant.
None for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 27th APRIL, 2018

P.C.:

1. On 12th April, 2018 this Court passed a detailed order in the above Application, paragraph 5 of the order reads thus :

5. From the aforestated facts, it is clear that the parties have not disputed that there exists an arbitration agreement, but are unable to agree on the name of the Arbitrator. Hence, the following order :-

i) The Court proposes to appoint Mr. Atul Daga, Advocate as a sole Arbitrator to decide the disputes between the Applicant and the Respondents arising out of the Media Services Agreement dated 29th August, 2014.

ii) Mr. Atul Daga, 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.

iii) The Advocate for the Applicant shall forward a copy of this order to

Mr. Atul Daga, Advocate. The Advocate for the Applicant shall also forward a copy of this order to the Respondent by Speed Post/Registered Post A.D at the last known address of the Respondent.

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

Stand over to 27th April, 2018, first on board.”

2. Pursuant to the said order, Mr. Atul Daga, Advocate 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, which is taken on record. Though a copy of the order dated 12th April, 2018 is served on the Respondent, as can be seen from the Affidavits of Service dated 27th April, 2018, the Respondent has failed to remain present. In view thereof, I pass the following order :

(i) Mr. Atul Daga, Advocate is appointed as the Sole Arbitrator to decide the disputes between the parties arising out of the Media Services Agreement dated 29th August, 2014.

(ii) The parties and/or their Advocates shall appear before the learned Arbitrator in his Chambers on 5th June, 2018 at 5.00 p.m., and obtain necessary directions.

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

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

(v) The venue of the arbitration shall be at Mumbai.

(vi) The Advocate for the Applicant shall forward a copy of this order to Mr. Atul Daga, Advocate. A copy of the order shall also be forwarded to the Respondent by Speed Post/Registered Post A.D. at their last known address.

(vii) The above Arbitration Application is accordingly disposed of.

(S.J.KATHAWALLA, J.)