

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.160 OF 2017**

Manish Shah, Sole Prop. Of M/s. Purabi Telefilms ... Applicant
versus
Ramesh I. Badsiwal, Sole Prop. Of
M/s. Melody Channel Network ... Respondent

Mr. Rajendra Jain i/by M/s. Thakore Jariwala and Associates, for Applicant.
None for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 19th APRIL, 2018

P.C.:

1. On 12th April, 2018 this Court passed a detailed order, the operative portion of which is reproduced hereunder :

- i) *The Court proposes to appoint Mr. Minoo Siodia, Advocate and Solicitor, Advocate as a sole Arbitrator to decide the disputes between the Applicant and the Respondent arising out of the Deed of Assignment dated 17th May, 2012.*
- ii) *Mr. Minoo Siodia, Advocate and Solicitor, 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. Minoo Siodia, Advocate and Solicitor. The Advocate for the Applicant shall also forward a copy of this order to the Respondent by Speed Post/Registered Post A.D and/or by hand delivery at his last known*

address.

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

Stand over to 19th April, 2018, first on board.”

2. Pursuant thereto, Mr. Minoo Siodia, Advocate and Solicitor, 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. The Applicant has tried to serve a copy of the order dated 12th April, 2018 on the Respondent by Speed Post A.D.. However, the track report shows that the postal authorities had sought to deliver the packet on 17th April, 2018 at 17.08 p.m., when the same was refused. In view thereof, the following order is passed :

(i) Mr. Minoo Siodia, Advocate and Solicitor is appointed as the Sole Arbitrator to decide the disputes between the Applicant and Respondent arising out of the Deed of Agreement dated 17th May, 2012.

(ii) The parties and/or their Advocates shall appear before the learned Arbitrator in his Chambers on 27th April, 2018 at 10.00 a.m., and obtain necessary directions.

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

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

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

(vi) A copy of this order shall be forthwith forwarded to the learned Arbitrator and the Respondent by hand delivery. In the event of the Respondent refusing to accept service, the Senior Inspector of the local police station shall render assistance to the Applicant/Advocate for the Applicant in serving a copy of this order by hand delivery on the Respondent and to obtain the acknowledgment of the Respondent.

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

(S.J.KATHAWALLA, J.)