

Mr. Yashpal Thakur, for Applicant.
None for Respondents.

DATE: 19th APRIL, 2018

1. None for the Respondents though served.
2. On 15th March, 2018 this Court passed a detailed order, the operative portion of which is reproduced hereunder :

i) The Court proposes to appoint Ms. Nelly Mehta, Advocate as a sole Arbitrator to decide the disputes between the Applicant and the Respondents arising out of the Loan-cum-Hypothecation Agreement dated 24th February, 2014. In view thereof, Ms. Nelly Mehta, Advocate shall submit her 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.

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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. Stand over to 5th April, 2018.”

3. The disclosure of Ms. Nelly Mehta, Advocate 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 is taken on record.

4. The Applicant has served a copy of the order dated 15th March, 2018 on the Respondents by hand delivery and an Affidavit proving service dated 19th April, 2018 is taken on record. However, none appear for the Respondents. In view thereof, the following order is passed :

(i) Ms. Nelly Mehta, Advocate, is appointed as the Sole Arbitrator to decide the disputes between the parties arising out of the Loan-cum-Hypothecation Agreement dated 24th February, 2014 (Exhibit B to the Application).

(ii) The parties and/or their Advocates shall appear before the learned Arbitrator in her Chambers on 27th April, 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 Ms. Nelly Mehta, Advocate. A copy of the order shall also be forwarded to the Respondents by Speed Post/Registered Post A.D. and/or by hand delivery at their last known address.

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

(S.J.KATHAWALLA, J.)