

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
ARBITRATION APPLICATION NO.155 OF 2017**

GTL Infrastructure Ltd. ... Applicant
versus
Rajdhani Housing Co-op. Hsg. Soc. Ltd. ... Respondent

Mr. Thomas James i/by M/s. Auris Legal, for Applicant.
None for Respondents.

CORAM: S.J. KATHAWALLA, J.

DATE: 27th APRIL, 2018

P.C.:

1. None for the Respondents though served.
2. On 12th April, 2018 this Court passed a detailed order, the operative portion of which is reproduced hereunder :

“6. From the aforestated facts, it is clear that though there exists an agreement between the parties as set out hereinabove, they are unable to agree on the name of an Arbitrator. Hence, the following order :-

- i) The Court proposes to appoint Mr. Amrut Joshi, Advocate as a sole Arbitrator to decide the disputes between the Applicant and the Respondents arising out of the License Deed dated 20-03-2014 and Supplementary Agreement dated 25-12-2015.
- ii) Mr. Amrut Joshi, 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. Amrut Joshi, 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 its 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 27th April, 2018, first on board.”

3. Pursuant thereto, Mr. Amrut Joshi, 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 which is taken on record.

4. The Applicant has served a copy of the order dated 12th April, 2018 on the Respondent by Speed Post A.D., and an Affidavit proving service dated 27th April, 2018 is taken on record. Despite Service, the Respondent has failed to appear before the Court and file Affidavit in Reply opposing the above Application. In view thereof, the following order is passed :

(i) Mr. Amrut Joshi, Advocate, is appointed as the Sole Arbitrator to decide the disputes between the parties arising out of the License Deed dated 20-03-2014 and Supplementary Agreement dated 25-12-2015.

(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. Amrut Joshi, 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.)