

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMPANY PETITION NO.590 OF 2016

M/s. PD. Associates

....Petitioner

Vs.

M/s. Vedant Dyestuff Intermediates Pvt. Ltd.

....Respondent

Mr. Gauraj Shah a/w. Ms. Reshma Chitnis i/b. M/s. Chitnis Vaithy and Co.
for petitioner.

Dr. D.S. Hatle a/w. Mr. Deepak Jamsandekar for respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 7th MARCH, 2018

PC.:

1 After the petition was argued for some time, Dr. Hatle, counsel for respondent company stated, without prejudice to company's rights and contentions, the company would pay a sum of Rs.13,14,941/- to petitioner within two weeks from today. Dr. Hatle further stated that the company has a counter claim against petitioner and for the balance amount of about Rs.22 lakhs, which petitioner is claiming, the Court may appoint a junior lawyer of this Court as a Sole Arbitrator keeping open the rights and contentions of both the parties.

2 In the circumstances, by consent, the following order is passed :

(a) The statement of Dr. Hatle on behalf of the company that the company will pay a sum of Rs.13,14,941/- within two weeks from today is accepted as an undertaking to this Court;

(b) Mr. Dharam Jumani, an Advocate practicing in this Court, is appointed as a Sole Arbitrator to arbitrate on all

disputes between the parties relating to or in connection with or arising out of Contracts, which are the subject matter of this petition, including counter claim, if any; Mr. Dharam Juman, who is present in Court, has consented to the arbitration.

(c) The fees and administrative expenses of the Arbitrator shall be shared equally between the parties and the same will be costs in the arbitral proceedings;

(d) The Arbitrator shall make a disclosure in writing directly to petitioner and respondent as required under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996;

(e) The petition accordingly stands disposed with liberty to revive the petition incase the amount in clause (a) is not paid;

(f) All rights and contentions of the parties are kept open to be raised before the Arbitrator except appointment of the Arbitrator.

(K.R. SHRIRAM, J.)