

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.195 OF 2017**

Ashapura Minechem Limited

....Applicant

Vs.

Aneka Estate Private Limited

....Respondent

Mr. Rushabh Sheth I/b. M/s. Bodhanwalla and Co. for applicant.

Mr. Sandeep Suryawanshi I/b. Tamhane and Co. for respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 10th SEPTEMBER 2018

P.C.:

1 There is no dispute that the arbitration agreement was recorded in the leave and license agreement dated 27th April 2013 entered into between the parties. Infact respondent had filed a summary suit no.535 of 2015 in the City Civil Court in which the learned trial Judge allowed a notice of motion filed by applicant under Section 8 of the Arbitration and Conciliation Act 1996, *inter alia*, praying for referring the parties to arbitration. A writ petition challenging that order being writ petition no.4343 of 2018 was also dismissed by this Court vide its order dated 31st August 2018.

2 Therefore, in view of this admitted position, the counsel for respondent states that parties can be referred to arbitration.

3 By consent, Ms. Neeta Jain, an Advocate practicing in this Court and having her office at C/o. Mr. Gaurav Joshi, Senior Advocate, 302,

B Wing, Fort Chambers, 3rd Floor, above Fort Post Office, Fort, Mumbai 400 001 (mobile no.9320003692), is appointed as Sole Arbitrator to arbitrate on all disputes and differences, including counter claim, if any, arising out of or in connection with or relating to agreement dated 27th April 2013, which is the subject matter of this application. All rights and contentions of the parties are kept open, except the question of jurisdiction of the arbitrator.

4 The fees to be fixed by the Arbitrator, administrative expenses, typing charges and venue charges to be shared equally between the parties, i.e., 50% by applicant and 50% by respondent and the same shall be subject to cost in the arbitral proceedings.

5 The Arbitrator to communicate in writing to the Advocate for applicant with copy to respondent the disclosures as required under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 within two weeks of receiving a copy of this order from any of the party.

6 Liberty to apply.

7 Application accordingly stands disposed.

Gauri
Amit
Gaekwad
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signed by
Gauri Amit
Gaekwad
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(K.R. SHRIRAM, J.)