

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

National Collateral Management Services Ltd. ... Applicant  
versus  
Naresh Gupta ... Respondent

Ms. Namrata Shah Saurastri i/by M/s. K. Ashar and Co., for Applicant.  
None for Respondents.

**CORAM: S.J. KATHAWALLA, J.**

**DATE: 12<sup>th</sup> APRIL, 2018**

**P.C.:**

1. On 15<sup>th</sup> March, 2018 this Court passed a detailed order, the operative portion of which is reproduced hereunder :

*“ i) The Court proposes to appoint Mr. Mustafa Doctor, Senior Advocate as a sole Arbitrator to decide the disputes between the Applicant and the Respondent arising out of the Commodity Sale Agreement dated 30<sup>th</sup> January, 2014. In view thereof, Mr. Mustafa Doctor, Senior 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.*

*ii) The Advocate for the Applicant shall forward a copy of this order to Mr. Mustafa Doctor, Senior Advocate as well as to the Respondent by Speed Post/Registered Post A.D at their last known addresses.  
Stand over to 5<sup>th</sup> April, 2018.”*

2. The disclosure filed by Mr. Mustafa Doctor, Senior 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 15<sup>th</sup> March, 2018 on the Respondent by Registered Post A.D., and an Affidavit proving service dated 12<sup>th</sup> April, 2018 is taken on record. None for the Respondents though served. In view thereof, the following order is passed :

(i) Mr. Mustafa Doctor, Senior Advocate, is appointed as the Sole Arbitrator to decide the disputes between the parties arising out of the Commodity Sale Agreement dated 30<sup>th</sup> January, 2014.

(ii) The parties and/or their Advocates shall appear before the learned Arbitrator in his Chambers on 27<sup>th</sup> 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 Mr. Mustafa Doctor, Senior Advocate. A copy of the order shall also be forwarded to the Respondent by Speed Post/Registered Post A.D. at his last known address.

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

**( S.J.KATHAWALLA, J. )**