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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO.340 OF 2018

Shree Sadguru Kadsiddehwar CHS Ltd. ..Applicant.

V/s.

M/s. Adit Enterprises ..Respondent.

Mr.N.N.Bhadrashete for the Applicant.

Mr.Mandar Soman for the Respondent.

CORAM: G.S.KULKARNI, J.

DATE : DECEMBER 5, 2018

P.C.:-

This is an application under section 11 of the Arbitration and Conciliation Act, 1996 ('the Act' for short) praying for appointment of an arbitral tribunal for adjudicating the dispute that has arisen between the parties under the Development Agreement dated April 16, 2009 with Supplementary Agreement dated August 31, 2009.

2. Mr. Bhadrashete, the learned counsel for the Applicant has stated that by notice dated December 13, 2017 the said

agreement came to be terminated and thereafter by letter dated July 25, 2018 the Applicant referring to the arbitration clause sought appointment of an Arbitrator on its behalf and requested the Respondent to nominate its Arbitrator. However, there was no response to this. Hence the present petition.

3. After the petition was heard for some time, the learned counsel for the parties agree that the parties are willing for appointment of a Sole Arbitrator. The learned counsel for the parties jointly agree to appoint Dr.Abhinav Chandrachud, Advocate as the sole Arbitrator.

4. In view of the above consensus between the parties, the application is disposed of by the following order :-

- i) By consent of the parties Dr.Abhinav Chandrachud, Advocate is appointed as the prospective Sole Arbitrator to adjudicate the dispute and differences between the parties that have arisen under the Development Agreement dated April 16, 2009 and Supplementary Agreement dated August 31, 2009;
- ii) The learned Sole Arbitrator, 15 days before entering a

reference, shall forward to the Prothonotary and Senior Master, a disclosure in terms under section 11(8) and 12(1) of the Arbitration and Conciliation Act, 1996 and also furnish the same to the parties;

- iii) Office to forward a copy of this order to Dr.Abhinav Chandrachud, Advocate;
- iv) All the contentions of the parties on merits are expressly kept open;
- v) The application is accordingly disposed of in the above terms. No costs.

(G.S.KULKARNI, J.)