

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
ARBITRATION APPLICATION NO.29 OF 2018**

National Collateral Management Services Ltd. ... Applicant
versus
Development Projects Pvt. Ltd. ... Respondent

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

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 :

“4..... It is therefore clear that the Respondent has failed to appoint an Arbitrator to resolve their disputes. Hence, the following order :-

i) The Court proposes to appoint Mr.Minoo Siodia, Advocate and Solicitor as a sole Arbitrator to decide the disputes between the Applicant and the Respondent arising out of the Bilateral Collateral Management Agreement dated 23rd April, 2005.

ii) Mr. Minoo Siodia, Advocate and Solicitor, shall on or before 27th April, 2018, 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. Minoo Siodia, Advocate and Solicitor.

iv) The Advocate for the Applicant shall also forward a copy of this order to the Respondent by Speed Post/Registered Post A.D at their last known address.

v) All concerned to act on an ordinary copy of this order, duly authenticated by the Associate of this Court.

vi) Stand over to 27th April, 2018."

2. Pursuant thereto, Mr. Minoo Siodia, Advocate and Solicitor, 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. Minoo Siodia, Advocate and Solicitor, is appointed as the Sole Arbitrator to decide the disputes between the parties arising out of the Bilateral Collateral Management Agreement dated 23rd April, 2005 (Exh. A to the Application).

(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. Minoo Siodia, Advocate and Solicitor. 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.)