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

COMMERCIAL ARBITRATION APPLICATION (L.) NO.374 OF 2018

Tata Motors Limited	..Applicant
Vs.	
Global Energy Private Limited	..Respondent

Mr.Jahaan Dastur and Murtaza Somjee i/b. Jerome Merchant +
Partners for Applicant.
Mr.Abhishek Adke for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 19th DECEMBER, 2018

P.C.:

Heard learned Counsel for the parties.

2. This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, “ACA”) whereby the applicant is praying for an appointment of an Arbitrator. The disputes and differences between the parties have arisen under Green Energy Purchase Agreement dated 1 November 2010 wherein the parties in clause 14 have agreed to refer the disputes and differences before the Arbitrator. The Clause 14 reads thus:-

“14. Disputes and Arbitration:

14.1 If any dispute, difference or claim arises between the Parties hereto in connection with this Agreement or the

validity, interpretation, implementation or alleged breach of this Agreement or anything done or omitted to be done pursuant to this Agreement, the Parties shall attempt in the first instance to resolve the same through negotiation.

14.2 If the dispute is not resolved through negotiation within (45) days after the dispute is raised or within such longer period as the Parties may mutually agree to in writing, then the Parties may refer the dispute for resolution to an Arbitrator mutually agreed upon by the Parties.”

3. After this application was heard for some time, learned Counsel for respondent submits that his client has no objection to appoint an arbitrator. The application is accordingly required to be allowed. It is allowed in terms of the following order:-

ORDER

- (i) Mr. Justice R.M. Sawant (Retd.) is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the Green Energy Purchase Agreement dated 1 November 2010.
- (ii) The learned sole arbitrator, fifteen days before entering the arbitration reference, shall forward a statement of disclosure as per the requirement of Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996, to the Prothonotary & Senior Master of this Court, to be placed on record of this application with a copy to be forwarded to both the parties;
- (iii) Office to forward a copy of this order to the learned Arbitrator.
- (iv) All contentions of the parties on merits of the matter are expressly kept open.

- (v) The application is disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]