

psv

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

COMMERCIAL ARBITRATION PETITION (L.) NO.1579 OF 2018

Ajay Pravinchandra Kamdar	..Petitioner
Vs.	
CPK Food & Beverages Pvt. Ltd.	..Respondent

Mr.Rohan Cama with Mr.Sharad Bansal, Mr.Amanghot Anand and
Ms.Nidhi Asher i/b. M/s.Keystone Partners for Petitioner.
Mr.Sanjay Dewan and Mr.Ashish Sharma for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 12th DECEMBER, 2018

P.C.:

Mr.Sanjay Dewan undertakes to file vakalatnama on behalf of the respondent. He states that today he has entered appearance under a written authority of the respondent and within a period of one week from today, a vakalatnama shall be filed in the present proceedings with intimation to learned Counsel for the petitioner.

2. Heard learned Counsel for the parties.

3. The petitioner has filed this petition under Section 9 of the Arbitration and Conciliation Act, 1996 (for short, "the Act") praying for interim reliefs pending the arbitration proceedings. It is stated that the

disputes have arisen between the parties under a Master Franchise Agreement dated 27 January 2017.

4. After the petition was heard for some time, learned Counsel for the parties on instructions of their respective clients, are agreeable that the disputes and differences between the parties can be referred for arbitration of a sole Arbitrator. Accordingly, by consent of the parties, the petition is being disposed of by the following order:-

ORDER

- i. Mr.Karl Shroff, Advocate, is appointed as a sole Arbitrator to adjudicate on the disputes and the differences which have arisen between the parties under a Master Franchise Agreement dated 27 January 2017.
- ii. The learned Arbitrator 15 days before entering a reference, shall make a declaration under Section 11(8) read with Section 12(1) of the Act and forward the same to the Prothonotary & Senior Master of this Court to be placed on record of this petition. As also a copy of the same be forwarded to the respective parties.
- iii. The present petition under Section 9 of the Act shall be treated by the arbitral tribunal as an application under Section 17 of the Act and the same be decided by the arbitral tribunal within a period of four weeks from today.

- iv. The respondent shall file a reply to the Section 17 application within a period of two weeks from today.
- v. The petitioner states that the petitioner shall file a statement of claim within a period of two weeks from today.
- vi. Pending the adjudication of application under Section 17 of the Act i.e. for a period of four weeks from today, the parties are agreeable that neither of the parties shall enter into Sahar Boutique in “The Orb Mall”, Andheri (East).
- vii. The respondent agrees that in respect of other premises namely Juhu, Mumbai let out, the parties shall maintain status-quo as on today.
- viii. Statement of the parties is accepted.
- ix. All contentions of the parties on merits of the matter are expressly kept open to be adjudicated in the arbitration proceedings.
- x. In view of the above order, further adjudication of this petition is not called for. It is accordingly disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]