

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

COMMERCIAL ARBITRATION PETITION (LODG) NO.1599 OF 2018

1.Pritam Vilas Rathod & Anr.

..Petitioners

Vs.

1.Surendrakumar Lakshamandas Raval & Anr.

..Respondents

Mr.Pankaj Sawant, Senior Advocate with Mr.Chirag Sancheti,
Ms.Madhavi Nalluri i/b. Bulwork Solicitors, for the Petitioners.

Mr.Farhana Dubhas with Mr.Rahul P.Jain, Mr.Prashant A.Nakati i/b.
Alpha Chambers, for Respondents.

Mr.Sanjay Raval - Respondent No.2 is present.

CORAM : G.S. KULKARNI, J.**DATE : 19th DECEMBER, 2018**

PC:

1. This petition under Section 9 of the Arbitration and Conciliation Act, 1996 (for short 'ACA') is filed praying for interim reliefs pending the arbitration proceedings. The case of the petitioners is that disputes have arisen between the parties under the agreement titled as 'Agreement for Sale of Equity Shares' dated 24 February 2017 (Exhibit B).

2. On the other hand it is the contention of the respondents that the disputes are not only under this agreement but also under an

agreement dated 20 February 2017 (Exhibit A) as entered between the parties. Both the agreements indisputedly have an arbitration clause.

3. After this petition was heard for some time, the learned Counsel for the parties on instructions, are agreeable that the disputes and differences between the parties are referred to arbitration. They also agree that the Court appoints an arbitrator to adjudicate the disputes between the parties. Accordingly the present petition is disposed of in the following terms:-

ORDER

(I) Mr.Justice J.P.Devadhar (Retd.) is appointed as prospective sole arbitrator to adjudicate the disputes and differences between the parties under the agreement dated 20 February 2017 and the agreement dated 24 February 2017.

(II) The learned 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 and Senior Master of this Court, to be placed on record of this application with a copy to be forwarded to both the parties.

(III) Learned Counsel for the parties are agreeable that the present petition under Section 9 of the ACA shall be treated as an application

under Section 17 of the ACA to be adjudicated by the learned Sole Arbitrator.

(IV) Learned Counsel for the petitioners states that the petitioners shall file a statement of claim within one week of the learned Arbitrator making disclosure under Section 11(8) read with Section 12(1) of the ACA.

(IV) All contentions of the parties on merits of the said application and on merits of the disputes are expressly kept open.

(V) Learned Counsel for respondents states that respondent no.2 is present in Court.

4. The petition is disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]