

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.22 OF 2016**

M/s. Fortune Credit Capital Ltd.	...	Applicant
versus		
Soman Nair	...	Respondent

Mr. Anoop Sharma, for Applicant.
None for Respondent.

CORAM: S.J. KATHAWALLA, J.
DATE: 15th JUNE, 2018

P.C.:

1. Perused the order dated 8th June, 2018. Paragraph 7 of the order is relevant and reproduced hereunder :

“7. It is therefore clear that the Respondents have failed to appoint an Arbitrator to resolve their disputes. Hence, the following order :-

(i) The Court proposes to appoint Ms. Gulnar Mistry, Advocate and Mr. Atul Daga, Advocate, as the Arbitrators for Applicant and Respondent respectively, who shall file a third Arbitrator to decide the disputes between the Applicant and the Respondent arising out of the Master Financing Agreement dated 13th August, 2009.

(ii) Ms. Gulnar Mistry and Mr. Atul Daga, Advocates shall submit their disclosures 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 Ms. Gulnar Mistry and Atul Daga, Advocates as well as to the

Respondent by hand delivery.

(iv) Stand over to 15th June, 2018.”

2. A copy of the order dated 8th June, 2018 is served on the Respondent by hand delivery on 12th June, 2018. Despite service, none appear for the Respondent.

3. The disclosures filed by the proposed arbitrators are taken on record and the following order is passed :

(i) Ms. Gulnar Mistry and Mr. Atul Daga, Advocates, are appointed as Arbitrators for the Applicant and Respondent respectively to decide the disputes between the parties arising out of the Master Financing Agreement dated 13th August, 2009.

(ii) Both the learned Arbitrators shall mutually appoint a third arbitrator.

(iii) The Tribunal of three Arbitrators shall endeavour to pass their Award within a period of six months from the date of this order.

(iv) The learned Arbitrators shall not grant adjournments to the parties unless absolutely necessary.

(v) All contentions of the parties are kept open.

(vi) The cost of arbitration shall initially be borne by the parties

equally.

(vii) The venue of Arbitration shall be at Mumbai.

(viii) In view of this order, the above Arbitration Application is disposed of.

(S.J.KATHAWALLA, J.)