

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ARBITRATION APPLICATION NO.6 OF 2016

DR. BALAJI NARSINGRAO GUNGWAD

VERSUS

YASH MEDICAL SCIENCES PVT. LTD. THROUGH ITS DIRECTOR SDR.

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Advocate for the Applicant : Shri Kakde Sunil B.

Advocate for Respondent 2 : Shri Mane Dhananjay A.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 08th April, 2019

Per Court:

1 Despite service of court notice on Respondent Nos.1 and 3, no appearance has been entered.

2 I have considered the submissions of the learned advocates for the respective sides and have gone through the application paper book and clause 56 of the agreement between the parties, which indicates that the Sole Arbitrator can be appointed. However, if there is any dispute, two Arbitrators can be appointed, one recommended by each of the parties.

3 The Applicant had issued a notice to the Respondents dated 17.08.2015 calling upon them to suggest the name of the Arbitrator. By reply dated 01.09.2015 signed by Respondent No.2, it was stated that the request for appointing the Arbitrator shall be placed before the board

meeting of Respondent No.1 Company. On 29.08.2015, Respondent No.1 submitted an identical reply to the Applicant assuring that the request would be placed before the board meeting. The Applicant contends that there has been silence on the said issue ever since.

4 The learned advocate for the Applicant has considered the circular dated 06.08.2018 issued by the learned Registrar General of this Court bearing No.P-1615/2003 and other communications dated 06.08.2018 and 16.08.2018 thereby, enlisting new Arbitrators. It is stated that this court may pass an appropriate order for appointing the Arbitrator.

5 Having considered the list of Arbitrators and keeping in view the request of the Applicant that as all the parties are from Aurangabad, the Arbitrator stationed at Aurangabad may be appointed. From the list, it appears that Advocate Mr.Sevakchand Babulal Bakhriya is the only Arbitrator enlisted from Aurangabad and the parties are agreeable.

6 In the light of the above, this Arbitration Application is allowed. Mr.Sevakchand Babulal Bakhriya, Advocate is appointed as a Sole Arbitrator in this matter. The litigating sides are at liberty to approach the learned Arbitrator for settling the quantum and payment terms of the fees and for expeditious commencement of the arbitration proceedings.

7 The Applicant shall deposit an amount of Rs.5000/- (Rupees

Five Thousand) in this Court as processing fees to enable the office to process the papers and forward them to the learned Arbitrator. Such fees shall be deposited on or before 18.04.2019.

kps

(RAVINDRA V. GHUGE, J.)