

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

***APPLICATION FOR APPOINTMENT OF
ARBITRATOR NO. 8 OF 2018***

Sam Services. Applicant.
Versus
Autocal Solutions Pvt. Ltd. & Ors. Respondent.

Mr. V. Ajay Kumar, Advocate for the Applicant.

Mr. Harshvardhan Bhatkuly, Advocate for the Respondents.

Coram : M.S. Sonak, J.

Date : 1 February 2019.

P.C.:

1. Heard Mr. V. Ajay Kumar for the Applicant and Mr. Harshvardhan Bhatkuly for the Respondents.

2. Following order was made on 25 January 2019 :

“ Heard learned Counsel for the parties.

2. In the present case, there is no dispute that there is an agreement between the parties, dated 15 January 2015 for sale of plant and machinery, as well as sale/transfer of Shed No. 11 and brand name.

3. Disputes have arisen between the parties and there is no reason as to why the parties should not be relegated to resolution of such disputes by arbitration.

4. The learned Counsel for the parties have suggested name

of Mr. Motilal S. Keni, retired City Civil Judge, as an Arbitrator, in order to resolve the disputes which have arisen between the parties. They state that Mr. Motilal S. Keni has also consented to arbitrate in the matter.

5. Accordingly, the matter is placed on 1 February 2019, so as to enable Mr. Motilal S. Keni to file his Statement of Disclosure in terms of the Arbitration and Conciliation Act, 1996, as amended.

6. The learned Counsel for the parties state that they will make available a copy of this order to Mr. Motilal S. Keni, so that he is in a position to file his Statement of Disclosure before the next date.

7. S.O. to 1 February 2019.”

3. In pursuance of the aforesaid, Mr. Motilal S. Keni, retired City Civil Judge, proposed arbitrator has filed a statement of disclosure stating that he does not have any past or present relationship with, or interest in any of the parties to the subject arbitration petition or in relation to the subject matter in dispute, whether financial, business, professional or other kind which is likely to give rise to justifiable doubts as to independence or impartiality. The disclosure also states that Mr. Motilal Keni is a retired City Civil Judge and can devote sufficient time to the arbitration and can conclude the entire arbitration within 12 months. The said disclosure is taken on record.

4. In view of the aforesaid, Mr. Motilal S. Keni, retired City

Civil Judge, is appointed as an Arbitrator to arbitrate upon the disputes between the parties arising from the agreement in question.

5. The fees of the arbitrator shall be shared equally by the parties, subject to the outcome of the arbitration.

6. The application for appointment of arbitrator is allowed in the aforesaid terms. There shall be no order as to costs.

7. All concerned to act on the basis of an authenticated copy of this order.

M.S. Sonak, J.