

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION (St.) NO. 21598 OF 2019

Suresh Bhagwandas Ahuja

... **Petitioner**

V/s.

M/s. Angel Capital & Debt Market Ltd.

... **Respondent**

Mr. Sangramsinh Yadav for the petitioner.

Mr. V.S. Laksmanan for the respondent.

CORAM : G.S.KULKARNI, J.

DATE : 4th September, 2019

P.C.:

Heard learned counsel for the petitioner and learned counsel for the respondent.

2. This is a Petition filed under section 11 of the Arbitration and Conciliation Act, 1996 (for short, “the Act”) whereby the petitioner has prayed for appointment of an arbitrator to adjudicate the disputes and differences, which are stated to have arisen between the parties under the Agreement dated 13th August, 2008. The Arbitration Agreement between the parties is contained in Clause 14 (Page 40 of the Paper Book) of the agreement. There is no dispute on the existence of the Arbitration agreement. There is also invocation of the arbitration agreement by notice dated 14th July, 2017. As the respondent did not agree for appointment of an arbitral

tribunal, the present Petition is filed.

2. After this Petition was heard for sometime, learned counsel for the respondent would also not dispute the above petition. In these circumstances, it would be necessary for this Court to exercise the jurisdiction under section 11 of the Act and appoint an arbitral tribunal. Hence, the following order:

3. The Petition is accordingly disposed of in the following terms:

ORDER

- (i) Mr. Amol V. Deshpande, Retired District Judge is appointed as an arbitrator to adjudicate the disputes between the parties which have arisen under the Agreement dated 13th August, 2008
- (ii) The learned prospective sole arbitrator, ten 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 Registrar (Judicial-I), to be placed on record of this application with a copy to be forwarded to both the parties;
- (iii) The fees payable to the arbitral tribunal shall be as prescribed under the Bombay High Court (Fees Payable to Arbitrators) Rules, 2018.

- (iv) At the first instance, the parties shall appear before the prospective arbitrator within 10 days from today on a date which may be mutually fixed by the prospective sole arbitrator;
- (v) All contentions of the parties are expressly kept open;
- (vi) The petition is disposed of in the above terms. No costs.
- (vii) Office to forward a copy of this order to the learned Arbitrator on the following address:

Flat No.1, Marigold Appts., R.S. No. 212/2/3,
Mahadeo Mandir Road, Karande Mala,
Kadamwadi, Kolhapur – 416 003.
(M) : 9403918919
Tel.: 0231-2680626

(G.S.KULKARNI, J.)