

Vidya Amin

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

ARBITRATION PETITION NO. 5 OF 2019

Milind Tarchand Kothari,
Sole Prop. M/s. Kamdhenu Agrovat ... **Petitioner**
V/s.
Maharashtra Agro Industries Development Corp. ... **Respondent**

Mr. Amit Singh i/b. Abhay Nevagi & Associates for the petitioner.
Ms. Suvarna Joshi a/w. Niray Prajapati I/b. Mahesh Shukla for the
respondent

CORAM : G.S.KULKARNI, J.
DATE : 24th July, 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 arbitral tribunal to adjudicate the disputes and differences, which are stated to have arisen between the parties under the Agreement dated 1st March, 2016

3. The Arbitration Agreement between the parties as contained in Clause No. 18.1 is not in dispute.

4. After this Petition was heard for sometime, learned counsel for the respondent fairly submits that her client would not have any objection if the arbitral tribunal is appointed.

5. In view of the consensus between the parties, the Petition is required to be allowed. Hence, the following order:

ORDER

- (i) Mr. Justice J.P. Devadhar, Former Judge of this Court is appointed as an arbitrator to adjudicate the disputes between the parties under the Agreement dated 1st March, 2016.
- (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) of this Court, 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) Petition is disposed of on above terms;
- (vii) Office to forward a copy of this order to the learned Arbitrator on the following address:

322, Varma Chambers,
Homji Street, Horniman Circle,
Mumbai – 400 001.
(M) – 9819788452

(G.S.KULKARNI, J.)