

Vidya Amin

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

ARBITRATION PETITION NO. 25 OF 2019

M/s. Sparsh Infratech Pvt. Ltd.

... Petitioner

V/s.

M/s. International Trading Company

... Respondent

Mr. Ojas Deolankar for the petitioner.

Ms. Sarita Yadav i/b. Udaya S. Samudrala for the respondent.

CORAM : G.S.KULKARNI, J.

DATE : 28th August, 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 for adjudication of the disputes and differences, which have arisen between the parties under the Work Order dated 14th June, 2012 issued by the respondent. The Arbitration Agreement between the parties is contained in Clause 32 of the Work Order. There is no dispute on the existence of the Arbitration agreement. The petitioner by its advocate’s notice dated 9th March, 2018 invoked the arbitration agreement and requested the respondent to appoint an arbitrator. The respondent did

not respond. Hence, this Petition.

3. After the Petition was heard for sometime, learned counsel for the respondent submits that his client would not have any objection for the disputes being referred for adjudication by appointing an arbitral tribunal.

4. In view of the consensus between the parties, the Petition is accordingly is disposed of in the following terms:

ORDER

- (i) Mr. Pramod Dattatraya Ambekar, Retired District Judge is appointed as a sole arbitrator to adjudicate the disputes between the parties which have arisen in terms of Work Order dated 14th June, 2012 issued by the respondent.
- (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:

Shri Pramod Dattatraya Ambekar,
Retired District Judge,
Magapolis SPARKLET Flat No. A/7-1403,
Phase-3, Rajiv Gandhi Infotech Park,
Hinjawadi, Pune – 411 057.
(M) – 9029082532, 9082520036

(G.S.KULKARNI, J.)