

Vidya Amin

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

ARBITRATION PETITION (ST.) NO. 1053 OF 2019

Tal Manufacturing Solutions Ltd.

... **Petitioner**

V/s.

AMW Motors Ltd.,

formally known as Asia Motor Works Ltd.

... **Respondent**

Mr. Dnyaneshwar Jadhav a/w. Kaushal Parsekar i/b. Legasis Partners
for the petitioner.

Ms. Warisha Parkar i/b. Parinam Law Associates for the respondent.

CORAM : G.S.KULKARNI, J.

DATE : 17th 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 between the parties which are stated to have arisen under the purchase orders dated 28.10.2010, 28.10.2010, 29.11.2010, 29.11.2010, 14.06.2011 and 14.06.2011 (Exhibits A to F of the Petition).

3. The case of the petitioner is that it is a wholly owned subsidiary of Tata Motors Ltd. and is engaged in the business of manufacturing various engineering products and equipment for defence automobile, aerospace and industrial sector across the globe. The respondent is engaged in the business of manufacturing heavy duty trucks, tractors, trippers etc. The respondent has placed various purchase orders for pre-paint shop material handling system, installation and for commencing the said material handling system. As there are disputes and differences between the parties in respect of purchase orders, notice dated 8th September, 2018 is issued on behalf of the petitioner invoking arbitration as contained in Clause no. 25 of the purchase order. There is no dispute between the parties in regard to the existence of an arbitration agreement as contained in Clause 25 of each of these purchase orders.

4. After this Petition was heard for sometime, learned counsel for the respondent, on instructions, states that the respondent is also agreeable for the disputes between the parties being referred for adjudication by appointing an arbitrator.

5. Having heard learned counsel for the parties and having perused

the documents as placed on record and considering the fact that there is no dispute in regard to an arbitration agreement between the parties as also in regard to the invocation of the arbitration agreement, the Petition is required to be allowed. Hence, following order:

ORDER

- (i) Mr. Justice S.R. Sathe, Former judge of this Court is appointed as an arbitrator to adjudicate the disputes between the parties which have arisen under the purchase orders dated 28.10.2010, 28.10.2010, 29.11.2010, 29.11.2010, 13.06.2011 and 14.06.2011 (Exhibits A to F of the Petition).
- (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:

A/802, Ruturang Apartment,
Behind Paranjpe School,
Near Kothrud Ward office,
Kothrud, Pune – 411 038.
E-mail : shrikantsathe802@gmail.com
(M) - 9702502181

(G.S.KULKARNI, J.)