

Vidya Amin

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

ARBITRATION PETITION NO. 22 OF 2019

Shrinivas Deshmukh	...	Petitioner
V/s.		
Raro Trading Corporation LLP	...	Respondent

Mr. Pravin B. Gole a/w. Mr. R.N. Deshmukh for the petitioner.
Mr. Vishal Tiwari i/b. Tejas Deshpande for the respondent.

**CORAM : G.S.KULKARNI, J.
DATE : 11th 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 arbitral tribunal for adjudication of the disputes and differences, which are stated to have arisen between the parties under the Service Agreement dated 8th July, 2017. The Arbitration Agreement between the parties is contained in Clause 14 of the agreement (Page 17 of the Paper Book). There is no dispute on the existence of the Arbitration agreement. There is also invocation of the arbitration agreement by notice dated 11th December, 2018. 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 has no objection that the arbitral tribunal be appointed to adjudicate the disputes and difference between the parties. He submits that Mr. Milind Sathaye, Advocate of this Court is already appointed as an arbitrator in respect of other three cases wherein the respondent is a party. He submits that he has no objection for the same arbitrator to be appointed to adjudicate the disputes even in the present case. He submits that no ground of ineligibility of the arbitrator under section 12 would be raised by the respondent.

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

ORDER

- (i) Mr. Milind Sathaye, Advocate of this Court is appointed as an arbitrator to adjudicate the disputes between the parties which have arisen under the Service Agreement dated 8th July, 2017.
- (ii) The learned prospective sole arbitrator, fifteen 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 15 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:

Office No. 14, 1st floor,
Mezzanin, 32, Raja-Bahadur Mansion,
Ambalal Doshi Marg (Haman Street),
Fort, Mumbai – 400 001.
(M) – 9821170905
Email – mmsathaye@gmail.com

(G.S.KULKARNI, J.)