

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

ARBITRATION PETITION NO.35 OF 2018

Hitesh Shah, Prop. Of M/s. Kaushil Enterprises	...	Petitioner
versus		
M/s. Jagran Engage (a Division of Jagran Prakashan Ltd.)	...	Respondent

Mr. Ashish Jha I/by Ambrish Chaudhary, for Petitioner.
Mr. Ajay Panicker I/by M/s. Ajay Law Associates, for Respondent. 0

CORAM: S.J. KATHAWALLA, J.

DATE: 15th MARCH, 2019

P.C.:

1. The above Arbitration Petition is filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator.
2. The first objection raised by the Respondent is that the Petition is filed against 'the division of Jagran Prakashan'. I find no substance in this objection, since the arbitration agreement is entered into by and between the Petitioner and 'Jagran Engage', a division of Jagran Prakashan.
3. The second objection raised by the Respondent is that the claim of the Petitioner is barred by the law of limitation. This issue will be decided by the learned Arbitrator.
4. The third objection also pertains to the merits of the case which can be decided by the learned Arbitrator.

5. Though the Respondent has affirmed an Affidavit in Reply as far back as in June 2018, the same is not served on the Petitioner till date. In view thereof, the following order is passed :

(i) Mr. Shanay Shah, Advocate, is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Tri-partite Agreement dated 29th December, 2006.

(ii) The disclosure of Mr. Shanay Shah, Advocate, under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 as amended by the Arbitration and Conciliation (Amendment) Act, 2015 (3 of 2016) is taken on record. The learned Advocates for the parties state that they have gone through the said disclosure and have no objection to the same.

(iii) The parties and/or their Advocates shall appear before the learned Arbitrator in his chambers, on 22nd March, 2019 at 11.00 a.m. and obtain necessary directions.

(iv) The learned Arbitrator shall endeavour to pass his final Award within a period of six months from the date of this order.

(v) The learned Arbitrator shall not grant adjournments to the parties unless absolutely necessary.

(vi) The venue of Arbitration shall be in Mumbai.

(vii) The cost of arbitration shall initially be borne by the parties equally.

(viii) All contentions of the parties are kept open.

(ix) In view of this order, the above Arbitration Petition is disposed off.

(S.J.KATHAWALLA, J.)