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

ARBITRATION PETITION NO.50 OF 2019

Lloyd Insulations (India) Ltd.	..Petitioner
Vs.	
Delta Mechcons India Ltd.	..Respondent

None for Petitioner.
Mr.Arun Panickar for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 18th OCTOBER, 2019

P.C.:

None for the petitioner.

2. Heard learned Counsel for the respondent.

3. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, "the ACA") whereby the petitioner has prayed for appointment of an arbitral tribunal for adjudication of the disputes which have arisen between the parties under the different purchase orders which are annexed at Exhibit A colly. (Page Nos.14 to 37). The arbitration agreement between the parties is contained in clause 15 of the purchase order. The petitioner by its notice dated 12 June 2018 (Exhibit "E") invoked the arbitration agreement and nominated Mr.S.N. Kavi having his address at Shivatirath Building, Flat No.17 & 18, 5th Floor, Next to Dhaneshwar Mandir, Chinchwad Gaon, Pune – 411 033 as the nominee arbitrator of the petitioner. As the respondent did not nominate its arbitrator, the present petition came to be filed.

4. Learned Counsel for the respondents on instructions fairly submits that the respondent is willing that the disputes be referred for adjudication by an arbitral tribunal as per the arbitration agreement as contained in clause 15 of the purchase orders.

5. In view of the fair approach of the respondents, this petition is required to be allowed. It is accordingly allowed by passing following order:-

ORDER

- (i) Mr.S.N. Kavi is appointed as a nominee arbitrator of the petitioner.
- (ii) The Court appoints Mr.R.R. Deshmukh, Retired District & Sessions Judge, having address at 801 Park Express, Opp. M'Donalds Hotel, Balewadi High Street, Pune – 411 045, as a nominee arbitrator on behalf of the respondent.
- (iii) The prospective arbitrators so appointed shall appoint a Presiding Arbitrator in accordance with the provisions of the Act.
- (iv) The prospective arbitrators before entering a reference, shall make a statement of disclosure as per the requirement of Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996, and forward the same to the Registrar (Judicial-I), to be placed on record of this petition with a copy to be forwarded to both the parties.
- (v) All contentions of the parties on merits of the matter are expressly kept open;
- (vi) The fees payable to the arbitral tribunal shall be in accordance with the Bombay High Court (Fee Payable to the Arbitrators) Rules, 2018;
- (vii) The petition is disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]