

Vidya Amin

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

ARBITRATION PETITION NO. 40 OF 2019

Commando Protection Security India P. Ltd. through authorized signatory Mr. Anurag V/s. RPM Logistics Pvt. Ltd.	... Petitioner ... Respondent
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Mr. R.B. Raorane for the petitioner.
Mr. Ashutosh Gole for the respondent.

CORAM : G.S.KULKARNI, J.
DATE : 24th 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, which are stated to have arisen between the parties under the Agreement for Security Services dated 2nd March, 2016.

3. There is no dispute in regard to the arbitration agreement between the parties which is contained in Clause 30 of the said

Agreement.

4. After this Petition was heard for sometime, learned counsel for the respondent is also agreeable that the disputes and differences between the parties be referred for adjudication by appointing the sole arbitrator.

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

ORDER

- (i) Smt. Dr. Justice P.D. Upasani (Retd.) is appointed as a sole arbitrator to adjudicate the disputes between the parties under the Agreement for Security Services dated 2nd March, 2016.
- (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) of this Court, 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) Petition is disposed of on above terms.
- (vii) Office to forward a copy of this order to the learned Arbitrator on the following address:
 - (i) 301-302, 3rd floor, "A' Wing Muley Building, Shivaji Nagar, Naupada, Thane (W)-400 602.
 - (ii) Ambreesh CHS Flat No. 104, 1st floor, Plot No. 242, RDP(8), Sector-4, Near Charkop Bus Depot, Ambamata Road, Charkop, Kandiwali (W), Mumbai – 400 067.
(M) 9870494546
Email : justicedrpdupasani@yahoo.com

(G.S.KULKARNI, J.)