

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

ARBITRATION PETITION NO. 110 OF 2019

M/s. Kamat Hotels(I) Ltd.	...	Petitioner
V/s.		
Maharashtra Tourism Development Authority	...	Respondent

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO. 1075 OF 2019

Kamat Hotels(I) Ltd.	...	Petitioner
V/s.		
Maharashtra Tourism Development Authority	...	Respondents

Mr. Kishor Patil i/by Ms. Aarti Bhide for the petitioner.
Mr. S. P. Bharti for the respondent.

CORAM : G. S. KULKARNI, J.

DATE : 24th SEPTEMBER, 2019.

P.C.:-

1] These are two petitions. Arbitration Petition No. 110 of 2019 is filed under section 11 of the Arbitration and Conciliation Act, 1996 (for short 'the Act'). Arbitration Petition No. 1075 of 2019 is filed under section 9 of the Act praying interim measures. At the outset Mr. Bharti, learned counsel for respondent on instructions submits that his clients have no objection for appointment of arbitral tribunal to adjudicate the disputes and differences between the parties.

2] Learned counsel for the parties on instructions also agreeable that section 9 petition (ARBP No.1075 of 2019, O.S.) be treated as application under section 17 of the Act to be adjudicate by the arbitral tribunal.

3] In view of the consensus between the parties, this proceedings are required to be disposed of in terms of the following order :

ORDER

(i) Shri. Justice P. D. Kode, former Judge of this Court, is appointed as a prospective sole Arbitrator to arbitrate the disputes and differences between the parties under the Lease Deed dated 01.02.1994.

(ii) The learned prospective sole arbitrator, 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 (Appellate Side) to be placed on record of this application with a copy to be forwarded to both the parties;

(iii) 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;

(iv) Arbitration Petition No.1075 of 2019 filed under Section 9 of the Act is permitted to be converted into an application under Section 17 of the Act

to be adjudicated by the arbitral tribunal, with such amended prayers as the petitioners think so necessary;

(v) Respondent is permitted to file a reply to Section 17 application.

(vi) The arbitral tribunal shall decide Section 17 application as expeditiously as possible and in any event within 10 weeks from the date of presentation of the said application;

(vii) All contentions of the parties are expressly kept open;

(viii) The fees payable to the arbitral tribunal shall be in accordance with the Bombay High Court (Fee Payable to the Arbitrators) Rules, 2018;

(ix) The ad-interim orders passed by this Court shall continue to operate till Section 17 application is decided by the arbitral tribunal;

(x) Both the proceedings are disposed of in the above terms.

xi) Office to forward a copy of this order to the learned Arbitrator on the following address.

Address: i) 204, 2nd Floor, Vardhaman Chambers,
Cawasjee Patel Street, Lane adjacent to
Dwarka Hotel, Fort, Mumbai- 400001

ii) Flat No. 702, 7th Floor, Bldg. No. 56-B,
Chintamani Co-op. HSG Society
Ltd. (Judges'), Pratiksha Nagar, Sion,
Mumbai – 400 022.
Telephone No. 020-24039994
9969101100

(G.S.Kulkarni, J.)