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

**ARBITRATION PETITION NO.82 OF 2019**

Zuventus Healthcare Ltd.

...Petitioner

V/S.

SPB Laboratories

...Respondent

Mr. Yakshay Chheda a/w. Ms. Devanshi Sethi I/b. ANP Partners for  
Petitioner.

Ms. Usha K. Sriwastava a/w. Ms. Nupur Awasthi for Respondent.

**CORAM : G.S. KULKARNI, J.**

**Date : 09<sup>th</sup> OCTOBER 2019.**

**P.C. :**

1. 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”). The arbitration agreement between the parties is not disputed, which is contained in clause 14 and more particularly in clause 14.3. Also there is no dispute on the invocation of the arbitration agreement.
3. In my opinion, it is too late in time for the respondent to contend that the respondent would appoint or mutually an attempt can be

made to appoint an arbitral tribunal and once the invocation notice issued on behalf of the petitioner dated 22 March 2019 was not acted upon by the respondent to appoint an arbitral tribunal. Hence the petitioner was entitled to approach this Court by filing a under Section 11 petition.

4. In the above circumstances, there is no impediment for this court to exercise jurisdiction under Section 11 and appoint an arbitral tribunal. Hence the following order.

#### **ORDER**

- (i). Mr. Justice S.R. Sathe, Former Judge of this Court is appointed as a Sole Arbitrator to arbitrate between the disputes and differences between the parties under the agreement dated 13 April 2018.
- (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 Prothonotary & Senior Master of this Court, to be placed on record of this petition with a copy to be forwarded to both the parties;
- (iii). The fees payable to the arbitral tribunal shall be governed by the provisions 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:

A-820, Ruturang Apartments,  
Behind Paranjape School,  
Kothrud, Pune – 411 038.  
Contact : 020-25396407, 9702502181

**(G.S. KULKARNI, J.)**