

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 65 OF 2018

Sheorey Digital Systems Limited ... Petitioner

Versus

Mr. Kumar Geet s/o. Mrs. Meenu Kumar ... Respondent

Mr. Mahendra M. Agavekar for the Petitioner.
None for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 11th FEBRUARY, 2019

P.C.:

1. Perused the Order dated 25th January, 2019, paragraph 4 of which is reproduced hereunder :-

“4. The Advocate for the Petitioner has forwarded a copy of the Petition to the Respondents on 29th September, 2018 by Registered Post A.D. The Advocate for the Petitioner has submitted that the Respondent has received a copy of the above Petition. However, none appear for the Respondent. The Respondent has not agreed to the name of the Arbitrator, suggested by the Petitioner and has also not suggested the name of any other person to act as Arbitrator in the matter.

It is therefore clear that the Respondent has failed to appoint an Arbitrator to resolve their disputes. Hence, the following order :-

- i) The Court proposes to appoint Ms. Nelly Mehta, Advocate as a nominee Arbitrator of the Petitioner and Ms. Aparna Deokar, Advocate as a nominee Arbitrator of the Respondent, who in turn shall appoint the Third Arbitrator as the Presiding Arbitrator, to decide the disputes between the Petitioner and the*

Respondent arising out of the Agreement dated 15th July, 2014.

ii) Advocate Ms. Nelly Mehta and Advocate Ms. Aparna Deokar shall submit their disclosures 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 on or before 8th February, 2019.

iii) The Advocate for the Petitioner shall forward a copy of this order to Advocate Ms. Nelly Mehta and Advocate Ms. Aparna Deokar as well as to the Respondent by Speed Post/Registered Post A.D at their last known addresses.

iv) All concerned to act on an ordinary copy of this order, duly authenticated by the Learned Associate of this Court.

Stand over to 8th February, 2019.”

2. Advocate Ms. Nelly Mehta and Advocate Ms. Aparna Devkar have filed their disclosures. The same are taken on record and the following order is passed :-

(i) Advocate Ms. Nelly Mehta is appointed as a nominee Arbitrator of the Petitioner and Advocate Ms. Aparna Devkar is appointed as a nominee Arbitrator of the Respondent. Both the Arbitrators shall in turn appoint the Third Arbitrator as the Presiding Arbitrator, to decide the disputes between the Petitioner and the Respondent arising out of the Agreement dated 15th July, 2014.

(ii) The venue of arbitration shall be at Mumbai.

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

(iv) The Advocate for the Petitioner shall forward a copy of this order to the Respondent by Speed Post/Registered Post A.D at their last known addresses.

The above Arbitration Petition is accordingly disposed off.

(S.J.KATHAWALLA,J.)