

Vidya Amin

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

ARBITRATION PETITION (St.) NO. 20472 OF 2019

POSCO India Steel Distribution Centre Pvt. Ltd.

... Petitioner

V/s.

Brick Lane Properties LLP & Ors.

... Respondents

Mr. Ashish Suryawanshi a/w. Ms. Priyanka Sonawane for the petitioner.
Mr. N.F. Dhillia i/b. M/s. Hariani & Co. for respondent nos. 1 to 5.

CORAM : G.S.KULKARNI, J.

DATE : 14th August, 2019

P.C.:

Not on board. Taken on board on a praecipe moved on behalf of the petitioner.

2. Leave to amend to correct the name of the petitioner in the cause title of the proceedings. Amendment to be carried out forthwith.

3. Heard learned counsel for the petitioner and learned counsel for the respondents.

4. This is a Petition filed under section 11 of the Arbitration and Conciliation Act, 1996 (for short, "the Act") whereby the applicant has prayed for appointment of an arbitral tribunal for adjudication of the disputes and differences, which are stated to have arisen between the parties under the

Licence Agreements dated 21st August, 2012 and 9th August, 2014. There is no dispute on the existence of an arbitration agreement between the parties.

5. Learned counsel for the respondents has fairly agreed that the respondents are also willing that the disputes be referred for arbitration.

6. In view of the consensus between the parties, the Petition is required to be allowed. It is accordingly allowed in the following terms:

ORDER

- (i) Dr. Justice Smt. Shalini Phansalkar Joshi, Former Judge of this Court is appointed as a sole arbitrator to adjudicate the disputes between the parties which have arisen under the Licence Agreements dated 21st August, 2012 and 9th August, 2014.
- (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) 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) 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:

Bungalow No. 12,
Bhagya Chintamani Society,
Opp. Kachra Depot, Paud Road,
Kothrud, Pune-411 038.
Mob. no. 9657188676
E-mail : phansalkarjoshi@gmail.com

(G.S.KULKARNI, J.)