

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

ARBITRATION PETITION NO.108 OF 2018

Kanchan Motors and Ors. ... Petitioners
versus
Tata Capital Financial Services Ltd. ... Respondent

Mr. Avinash H. Fatangare, for Petitioner.

Mr. Biswadeep Chakravarty with Ms. Manasi Kalvit I/by Mr. Mahernosh J. Humranwala, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 2nd APRIL, 2019

P.C.:

1. Heard the learned Advocates appearing for the parties. The learned Advocate for the Respondent has taken instructions from Mr. Pralhad Kale and Ms. Leena Desai, Officials of the Respondent Company and thereafter, the following order is passed by consent :

(i) Mr. Rohan Rajadhyaksh, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Channel Finance Agreement dated 11th November, 2016 and Deed of Guarantee dated 11th November, 2016.

(ii) The disclosure of Mr. Rohan Rajadhyaksh, Advocate 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 (3 of 2016) is taken on record.

- (iii) The venue of Arbitration shall be at Mumbai.
- (iv) The cost of arbitration shall initially be borne by the parties equally.
- (v) The parties and/or their Advocates shall appear before the learned Arbitrator in his chambers, on 5th April, 2019 at 5.00 p.m. and obtain necessary directions.
- (vi) The learned Arbitrator shall proceed with the Arbitration Proceedings from where the earlier Arbitrator has stopped.
- (vii) All contentions of the parties are kept open.
- (viii) The learned Arbitrator shall not grant adjournments to the parties unless absolutely necessary.
- (ix) The learned Arbitrator shall endeavour to pass his final Award within a period of six months from the date of this order.
- (x) The above Arbitration Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)