

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1 OF 2019
IN
ARBITRATION PETITION NO.48 OF 2016

Balasaheb Laxman Deshmukh	...	Petitioner
versus		
M/s. Saguna Poultry Farm Ltd.	...	Respondent

Mr. P.G.Jagdale, for Applicant.
None for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 15th MARCH, 2019

P.C.:

1. On 22nd February, 2019 this Court passed the following order :

“1. On 11th January, 2019, this Court passed the following order :

“By an Order dated 6th October, 2017, this Court (Coram : K.R. Shriram, J.) after setting out the facts in the matter appointed Mr. M.D. Keskar, Principal District Judge (Retired) as a sole Arbitrator to adjudicate the dispute between the Petitioner and the Respondent arising out of, in connection with and relating to the Leave and License Agreement dated 23rd April, 2011. I am informed that Mr. M.D. Keskar, Principal District Judge (Retired) has expressed his inability to act as an Arbitrator in the matter since he has been appointed as a Presiding Officer of the Police Redressal Tribunal. The Applicant has filed the present Civil Application to appoint an Arbitrator in place of Mr. M.D. Keskar, Principal District Judge (Retired). However, a copy of the above Civil Application is not served on the Respondent. The Advocate for the

Applicant shall serve a copy of this order as well as a copy of the Civil Application on the Respondent by Speed Post / Registered Post A.D. at both the addresses i.e. Coimbatore and Nashik. The Respondent-Company is put to the notice that if it fails to appear through its officer or an Advocate, on the adjourned date, the Court shall proceed to hear the Applicant and pass necessary orders. Stand over to 8th February, 2019.”

2. *The Respondent-Company has received a copy of this order at their Nashik address. However, none appear for the Respondent. In view thereof, I propose to appoint Mr. Dilip D. Deshmukh, Retired District Judge, having his address at Deshmukh Niwas, Behind State Bank, Old Agra Road, Nashik, as the sole Arbitrator to decide the disputes between the parties arising out of, in connection with and relating to the Leave and License Agreement dated 23rd April, 2011. Mr. Dilip Deshmukh shall file his disclosure on or before 8th March, 2019.*

3. *A copy of this order shall be forthwith forwarded by the Court Office to the Respondent by Speed Post / Registered Post A.D. at the registered office of the Respondent at 5th Floor, Jaya Enclave, 1057, Avinashi Road, Coimbatore 641 018 and the regional office at 2nd Floor, Vijay Chambers, Mahatma Nagar, Nashik and produce the acknowledgments before this Court on 8th March, 2019. Stand over to 9th March, 2019”*

2. On 4th March, 2019 the said order was suo motu corrected as under :

“Stand over to 8th March, 2019.”

3. The learned Advocate for the Applicant states that the order dated 22nd

February, 2019 is served on the Respondent. However, none appear for the Respondent. In view thereof, the disclosure filed by Mr. Dilip D. Deshmukh, Retired District Judge, is taken on record and the following order is passed :

(i) Mr. Dilip D. Deshmukh, Retired District Judge is appointed as a Sole Arbitrator to decide the disputes between the parties arising out of and in connection with and relating to the leave and license Agreement dated 23rd April, 2011.

(ii) The learned Arbitrator shall endeavour to pass his final Award within a period of six months from the date of this order.

(iii) The learned Arbitrator shall not grant adjournments to the parties unless absolutely necessary.

(iv) All contentions of the parties are kept open.

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

(vi) The venue of Arbitration shall be at Nashik.

(vii) In view of this order, the above Civil Application is disposed of.

(viii) A copy of this order shall be forthwith forwarded by Speed Post A.D./Registered Post A.D. at the registered office of the Respondent.

(S.J.KATHAWALLA,J.)