

psv

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

ARBITRATION PETITION NO.56 OF 2019

Sou.Suvarna Balasaheb Patil	..Petitioner
Vs.	
Shri Bhausahab Sidgonda Parvate	..Respondent

Mr.Kedar Lad i/b. Mr.Vikrant Desai for Petitioner.
Mr.Sangramsingh Yadav for Respondent

CORAM : G.S. KULKARNI, J.

DATE : 18th OCTOBER, 2019

P.C.:

Heard learned Counsel for the parties.

2. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, “the Act”) whereby the petitioner has prayed for appointment of an arbitral tribunal to adjudicate the disputes and differences between the parties which have arisen under the Partnership Deed dated 3 December 1990. There is no dispute in regard to the arbitration agreement between the parties as contained in clause No.12 of the amended partnership deed dated 3 December 1990.

3. Learned Counsel for the respondent on instructions fairly submits that his client does not have any objection for the disputes being referred for arbitration. He has pointed out that in fact the respondent by his letter dated 29 June 2016 (page 31) suggested to the petitioner for the disputes being referred to arbitration.

4. In the above circumstances, an arbitral tribunal is required to be appointed. Hence the following order:-

ORDER

- (i) Mr.Amol Deshpande, Retired District Judge, is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the amended partnership deed dated 3 December 1990;
- (ii) The learned sole prospective 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 Registrar (Judicial-I), to be placed on record of this petition with a copy to be forwarded to both the parties;
- (iii) 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;
- (iv) All contentions of the parties on merits of the matter are expressly kept open;
- (v) The fees payable to the arbitral tribunal shall be in accordance with the Bombay High Court (Fee Payable to the Arbitrators) Rules, 2018;
- (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:

“Address: Flat No.1, Marigold Appts. R.S. No.212/2/3, Mahadeo Mandir Road, Karande Mala, Kadamwadi, Kolhapur – 416 003.

Contact No. 9403918919.”

[G.S. KULKARNI, J.]