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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION APPLICATION (L.) NO.5 OF 2019**

Ashok Venkatesh @ Bandopant Deshpande ..Applicant
Vs.
Gouri Arun Deshpande ..Respondent

Mrs.Sultana Sonawane for Applicant.
Ms.Hemangi Kuber i/b. Mr.Vijayprakash Yadav for Respondent.

**CORAM : G.S. KULKARNI, J.
DATE : 26th APRIL, 2019**

P.C.:

1. Heard learned Counsel for the applicant and learned Counsel for the respondent.
2. This is an application filed under Section 14 read with Section 15 of the Arbitration and Conciliation Act, 1996 (for short, “the ACA”) whereby the applicant has prayed for appointment of a substitute sole arbitrator as the arbitrator appointed earlier has resigned as recorded in the Minutes of the Meeting dated 12 December 2018 (Exhibit-G, page 42 of the paper-book).
3. After this application was heard for sometime, learned Counsel for the respondent on instructions would submit that her client has no objection to appoint a substitute arbitrator.

4. In view of the above consensus between the parties, the application can be conveniently disposed of by the following order:-

ORDER

- (i) Mr. Justice Naresh H. Patil, Former Chief Justice of this Court, is appointed as a prospective sole Arbitrator to arbitrate the disputes and differences between the parties, in substitution of the arbitral tribunal as appointed earlier.
- (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 Prothonotary & Senior Master of this Court, to be placed on record of this application with a copy to be forwarded to both the parties;
- (iii) 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;
- (iv) All contentions of the parties including on merits of the disputes are expressly kept open;
- (v) The application is disposed of in the above terms. No costs.
- (vi) Office to forward a copy of this order to the learned Arbitrator on the following address:

“Ragir Chambers, Office No.63, 7th Floor, Opposite Old Customs House, Fort, Mumbai – 400 001.”
Mobile No. 9422210444
E-mail ID – nareshhpatil7@gmail.com”

[G.S. KULKARNI, J.]