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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
AND IN ITS COMMERCIAL DIVISION**

COMMERCIAL ARBITRATION APPLICATION NO.61 OF 2019

ePaisa Service Private Limited	..Applicant
Vs.	
Skilworth Technologies Pvt. Ltd. (Bijlipay)	..Respondent

Mr.A. Mittal for Applicant.
Mr.Jugal Kanani i/b. M/s.I.C. Legal for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 2nd APRIL, 2019

P.C.:

Heard learned Counsel for the applicant and learned Counsel for the respondent.

2. This is an application filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, “the ACA”) whereby the applicant seeks appointment of an arbitral tribunal. It is the case of the applicant that the disputes and differences have arisen between the parties under the agreement dated 27 September 2017. There is no dispute in regard to the arbitration agreement between the parties as contained in clause No.10 of the agreement in question. By notice dated 1 December 2018 the applicant had invoked the agreement and sought appointment of an

arbitral tribunal. As the respondent has not concurred, the present application has been filed.

3. After this application was heard for sometime, learned Counsel for the respondent submits that his client is agreeable that the disputes be referred for arbitration by a sole arbitrator. The application is accordingly disposed of. Hence, the following order:-

ORDER

- (i) Mr.Aseem Naphade, Advocate of this Court, is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the agreement dated 27 September 2017;
- (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 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 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:

address: 31, Shanti Building, 3rd floor, Banaji Street, Fort,
Mumbai – 400 001.

Contact No. 22818377.

[G.S. KULKARNI, J.]

**corrected as per speaking to the minutes of the order dated
11.04.2019.**