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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

ARBITRATION APPLICATION NO.199 OF 2018

Global Network and anr ... Applicants.
V/s.

Hathway Cable and Datacom Pvt. Ltd. ... Respondents

- Ms. Shivani Soni i/by Deven Dwarkadas, for the Applicants.
- Ms. Shivani Shukla i/by Navdeep Vora Associates, for respondents

CORAM : G. S. KULKARNI, J.

DATE : 13th MARCH, 2019.

P.C. :

1] Heard Ms. Shivani Soni, learned counsel for the applicants and Ms. Shivani Shukla, learned counsel for the respondents.

2] This is an application filed under Section 11 of the Arbitration and Conciliation Act, (for short, "ACA"), seeking appointment of arbitrator in order to resolve the dispute as per agreement dated 17th December, 2007. There is no dispute in regard to arbitration agreement between the parties. The applicant, by his letter dated 1st February, 2018, addressed to the respondent society, by invoking clause 17 of the agreement called upon the respondent to appoint an arbitral tribunal. As the respondent did not respond, the present application is filed.

3] After this application was heard for some time, learned counsel for the respondent would submit that her client has no objection for

appointment of arbitral tribunal to adjudicate the disputes and differences between the parties. In view of this consensus between the parties, the application is required to be disposed of. Hence, the following order:-

Order

i] Mr. Gaurav Mehta, Advocate, is appointed as the prospective sole Arbitrator to adjudicate the disputes and differences between the parties, arising under the agreement dated 17.12.2007 ;

ii] The prospective sole arbitrator, fifteen days before entering the arbitration reference, shall forward a statement of disclosure as per the provisions 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 at a date and time as may be fixed by the prospective arbitrator;

(iv) All contentions of the parties including on merits of the matter are expressly kept open;

(v) The Arbitration petition is disposed of in the above terms. No costs.

3. Office to forward a copy of this order to the learned Arbitrator on the following address:

29/29A, Ali Chambers, 2nd floor,
Ali Chambers, M Shetty Marg, Kala Ghoda
Fort, Mumbai 400 001.

mobile No.9820193592.

[G. S. KULKARNI, J]

Note: This order is corrected as per order dated 12.06.2019.