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

COMMERCIAL ARBITRATION APPLICATION (L.) NO.120 OF 2019

M/s.Symmetrix Biotech Pvt.Ltd.	..Applicant
Vs.	
Fabtech Technologies International Limited	..Respondent

Mr.Kishore Jawle for Applicant.
Mr.B.R. Gauhar for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 2nd APRIL, 2019

P.C.:

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

2. This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, “the ACA”) whereby the applicant has prayed for appointment of a presiding arbitrator on the arbitral tribunal as the two arbitrators already appointed by the applicant and the respondent are unable to appoint a presiding arbitrator. My attention is drawn to the documents as placed on record and more particularly the communication dated 16 February 2019 of the nominee arbitrator of the applicant.

3. After this application was heard for some time, learned Counsel for the parties on instructions are agreeable that the Court appoints a presiding arbitrator. In view of this consensus, the application is required to be disposed of. Hence, the following order:-

ORDER

- (i) Mr. Justice Jainarayan Patel, Former Chief Justice of the Calcutta High Court, is appointed as the presiding Arbitrator on the arbitral tribunal so constituted to arbitrate the disputes and differences between the parties under the contract for the construction of production facility of biopharmaceuticals of Symmetrix Biotech Private Limited at Mohali at Plot No.16, Industrial Focus, Point, Phase IX.
- (ii) The learned prospective presiding arbitrator, 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 arbitral tribunal now so constituted within 10 days from today on a date which may be mutually fixed by the arbitral tribunal;
- (v) All contentions of the parties are expressly kept open;

- (vi) The application 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.2501, Celesta Planet Godrej, 30, K.K. Marg,
SGM Chowk (Jacob Circle), Mahalaxmi,
Mumbai – 400 011.

Contact: 9167888444 / 9422803450

[G.S. KULKARNI, J.]