

vks

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

ARBITRATION PETITION (L) NO.385 OF 2019

Kanchan Motors and anr

... Petitioners

V/s.

Tata Motors Finance Ltd.

... Respondents

Mr. Mayank Bagla a/w Anand Pai i/by Jainish Jain, for the
Petitioner.

Mr. Karl Shroff a/w Mr. H.N. Vakil and Mr. Rushil Mathur
i/by M/s Mulla & Mulla & C.B. & C., for respondent

CORAM : G. S. KULKARNI, J.

DATE : 6th June 2019.

P.C. :

1] After this application was heard for some time, learned counsel for the parties would submit that the parties intend to terminate the mandate of sole arbitrator so appointed and seeks appointment of a fresh arbitrator.

2] Accordingly, the parties have agreed to appoint Mr. Vishal Kanade, advocate of this Court as sole arbitrator, to adjudicate the disputes and differences between the parties, arising under the agreements (a) dated 2nd May, 2009 for a period 1st February 2009 to 31st December, 2012, (b) dated 1st January, 2013 for the period 1st January 2013 to to 31st December, 2014 and (c) dated 1st January, 2015, for the period 1st January, 2015 to 30th June, 2020.

3] The disclosure as made by the learned sole arbitrator under Section 11(8) read with Section 12(1) of the ACA is taken on record and marked "X" for identification.

4] In view of the consent of the parties, following order is passed.

Order

- I. Mr Vishal Kanade, Advocate of this Court, is appointed as the prospective sole Arbitrator, to adjudicate the disputes and differences between the parties under the agreements dated (a) 2nd May, 2009 for a period 1st February 2009 to 31st December, 2012, (b) 1st January, 2013 for the period 1st January 2013 to 31st December, 2014 and (c) 1st January, 2015, for the period 1st January, 2015 to 30th June, 2020.
- II. The learned prospective sole arbitrator shall endeavour to publish an award as expeditiously as possible and within the time limit as prescribed under Section 29-A of the Act;
- III. All contentions of the parties on merits of the disputes are expressed kept open;
- IV. It would be open to the prospective sole arbitrator to proceed in the arbitration from the stage at which the proceedings had arrived before earlier arbitral Tribunal;
- V. The fees of the arbitral tribunal shall be governed in accordance with the fees prescribed under the Bombay High Court (Fees Payable to Arbitrators) Rules, 2018;

VI. The arbitration petition is disposed of in the above terms. No costs.

5] Office to forward a copy of this order to the learned Arbitrator on the following address:--

103, Gundecha Chambers,
Opp. Milan Cafe.
NM Road, Fort, Mumbai 400 001.

Mobile No.9819668711.

[G. S. KULKARNI, J]