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

COMMERCIAL ARBITRATION APPLICATION (L.) NO.153 OF 2019

Pritesh Mafatlal Shah	..Applicant
Vs.	
M/s.Rich Earth Marc JV Pvt.Ltd. (REMJVPL)	..Respondent

Mr.Reshant Shah i/b. M/s.Lex Conseiller for Applicant.
Mr.Pawan Arora, Company Secretary of Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 30th APRIL, 2019

P.C.:

Heard learned Counsel for the applicant. Mr.Pawan Arora, Company Secretary of respondent company who had appeared on 18 April 2019, appears and states that the respondent has no objection for the disputes between the parties be referred to arbitration by appointing an arbitral tribunal.

2. Perusal of the averments as made in the application clearly indicates that the parties had entered into an agreement titled as "Service Agreement" dated 29 March 2017. There is no dispute in regard to the arbitration agreement between the parties which is contained in clause (6) of the said agreement.

3. In view of the consensus between the parties, the application is being disposed of by the following order:-

ORDER

- (i) Mr.Pankaj Kowli, Advocate of this Court, is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the Service Agreement dated 29 March 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;
- (v) All contentions of the parties including on merits of the disputes are expressly kept open;
- (vi) It is agreed between the parties that the arbitration fees shall be shared in equal proportion by the parties.
- (vii) The application is disposed of in the above terms. No costs.
- (viii) Office to forward a copy of this order to the learned Arbitrator on the following address:

address: 31, Kamer Building, (Opposite Vardhaman Chamber),
Cawasjee Patel Street, Fort, Mumbai – 400 001.

Contact No. 9869218897 / 9167024439

[G.S. KULKARNI, J.]