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

ARBITRATION APPLICATION NO.209 OF 2018

Navshiv Retail Pvt. Ltd. ... Applicant.

V/s.

Juniper Hotels Pvt. Ltd. ... Respondent

Mr. Abhishek Bharti i/by Jitendra J. Shah, for the applicant.

Mr. Kalpesh Joshi i/by Kalpesh Joshi Associates, for respondent.

CORAM : G. S. KULKARNI, J.

DATE : 18th June 2019.

P.C. :

1] After this application was heard for some, learned counsel for the parties jointly submit that the disputes and differences between the parties arising under the agreement dated 26th October, 2007 be referred for adjudication of a sole arbitrator.

2] Learned counsel for the parties submit that before learned sole arbitrator commences the arbitral proceedings, let the arbitrator try to mediate and make an endeavour to resolve disputes between the parties, as the disputes lie in a narrow compass. The suggestion is fair. The parties are surely entitled to request the learned arbitrator to make an endeavour to resolve the disputes before they are taken up for adjudication.

3] In view of the above consensus between the parties and as there is no dispute in regard to the existence of an arbitration agreement between the parties, this application would be required to be disposed of. Hence the following order.

Order

i] Mr. Srinivas S. Bobde, Advocate of this Court, is appointed as the prospective sole Arbitrator to adjudicate the disputes and differences between the parties, arising under the agreement dated 26th October, 2007;

ii] The prospective sole arbitrator, ten 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] The learned prospective arbitrator shall endeavour to make an award as expeditiously as possible and within the time limit as prescribed under Section 29-A of the Act;

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) All contentions of the parties are expressly kept open;

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

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

Chamber of Mr. Sharan Jagtiani,
Ground floor,
OVAZ HOUSE, Off. Nagindas Master Road,
Fort, Bombay.

Shriniwassbobde@gmail.com
mobile No.9619846066.

[G. S. KULKARNI, J]