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

COMMERCIAL ARBITRATION APPLICATION (L.) NO.227 OF 2019

Amrish Kumar Jain	..Applicant
Vs.	
Sheth Developers Pvt. Ltd.	..Respondent

Ms.Kausar Banatwala with Ms.Ami Brahmabhatt, Mr.Tushar Goradia for Applicant.

Mr.Kishor Salunke for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 8th JULY, 2019

P.C.:

Heard learned Counsel for the parties.

2. This is an application filed by the applicant under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, “the Act”) whereby the applicant has prayed for appointment of an arbitrator to adjudicate the disputes which are stated to have arisen between the parties under the Articles of Agreement dated 7 April 2015. There is no dispute in regard to the existence of arbitration agreement which is contained in clause 36 of the agreement.

3. The respondent has appeared and also filed reply. In paragraph 7 of the reply, the respondent has stated that there is no objection for the arbitral tribunal to be appointed.

4. In view of the consensus between the parties, the application would

be required to be allowed. It is accordingly allowed by passing the following order:-

ORDER

- (i) Smt. Justice Vasanti Naik (Retd.) is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the Articles of Agreement dated 7 April 2015;
- (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;
- (iv) All contentions of the parties on merits of the disputes are expressly kept open;
- (v) The fees payable to the arbitral tribunal shall be in accordance with the Bombay High Court (Fee Payable to the Arbitrators) Rules, 2018;
- (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:

“322, Verma Chambers, Homjee Street, Horniman Circle
Fort, Mumbai.
Mobile No. 9822472080”

[G.S. KULKARNI, J.]