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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION APPLICATION NO. 284 OF 2019

Ingram Micro India Pvt.Ltd. ..Applicant

Vs.

Maxtone Electronics Pvt.Ltd. ..Respondent

Mr.Kedar Wagle with Sagar Wagle, for Applicant.

Ms.Ami Brahmbhatt i/b. Tushar Goradia, for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 18th OCTOBER, 2019

P.C.:

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

2. This is an application filed under Section 11 of the Arbitration and Conciliation Act,1996 (for short 'the Act') whereby the applicant has prayed for appointment of an arbitral tribunal to adjudicate the disputes and differences between the parties which have arisen under the invoices at Exhibit A to A-7 raised, accepted and acted upon. The arbitration agreement is contained in Clause 13 of the terms and conditions of sale. There is no dispute on existence of the arbitral agreement. There is also no dispute on invocation of the arbitration. Learned Counsel for the respondent, on instructions, fairly states that

her client would not have any objection for the arbitral tribunal being appointed to adjudicate the disputes between the parties.

3. In view of the consensus on behalf of the respondent, this application is required to be allowed. Hence the following order:-

ORDER

- (i) Mr.Hormaz C.Daruwalla, Advocate of this Court is appointed as a sole Arbitrator to arbitrate the disputes and differences the parties under the Invoices at Exhibit-A to Exhibit A-7 to the application.
- (ii) The learned prospective Sole 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) The fees payable to the arbitral tribunal shall be governed in accordance with the provisions of Bombay High Court (Fees Payable to Arbitrators) Rules, 2018;
- (iv) 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 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:-

“Behramji Mansion, 3rd Floor,
Sir.P.M.Road, Mumbai-400001.
Tel:22662506/ 22661582, 5633 4156
Mobile 9820004743
E-Mail hormaz@gmail.com”

[G.S. KULKARNI, J.]