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

COMMERCIAL ARBITRATION PETITION NO.38 OF 2018

M/s Buildon ... Petitioner
V/s.
M/s Shiva Enterprises Respondents

Mr. Asshish Verma i/by Tejas M. Deshpande, for the
Petitioner.

Mr. V.S. Pandey i/by S.U. Pandey, for respondent

CORAM : G. S. KULKARNI, J.

DATE : 25TH APRIL, 2019.

P.C. :

- 1] Heard the learned counsel for the petitioner and respondents.
- 2] This petition is filed under Section 9 of the Arbitration and Conciliation Act, 1996 (for short, "ACA"), praying for interim measures pending arbitration proceedings. The disputes and differences between the parties have arisen in December, 2016. The parties in the intervening period had also discussed about the names of arbitrators also can be appointed to adjudicate the disputes and differences between them, which had arisen under the agreement dated 27th August, 2015, which was in respect of sale of materials of the petitioner, by the respondent as a sole selling agent.

3] After this petition was heard for some time, considering the nature of the grievances as made by the petitioner, the learned counsel for the parties are agreeable that the disputes and differences between the parties be referred for adjudication by an arbitral tribunal by appointing sole arbitrator. It is also agreed between that this petition under Section 9 be treated as an Application under Section 17 of the ACA.

4] In view of the consensus, the petition can be conveniently disposed of by the following order:-

Order.

i] Mr. Anil R. Mehta, Advocate, is appointed as the prospective sole arbitrator to adjudicate the disputes and differences between the parties, arising under the agreement dated 27th August, 2015.

ii] This petition filed under Section of the ACA is permitted to be treated as an application under Section 17 of the ACA, to be adjudicated by the arbitral tribunal.

iii] The prospective sole arbitrator, fifteen days before entering the arbitration reference, shall forward a statement of disclosure as per the provisions of Section 11(A) 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;

iv] 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.

v] The learned prospective sole arbitrator shall endeavour to dispose of Section 17 Application as expeditiously as possible preferably within a period of 12 weeks from the date of converting petition filed under Section 9 into Section 17 Application.

vi] 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;

vii] All contentions of the parties including on merits are expressly kept open.

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

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

5-G/Rajabahadur Mansion,
2nd floor, Ambalal Doshi Marg,
Nr. Bombay Stock Exchange,
Fort, Mumbai 400 001.

Mobile No.9820166852.

[G. S. KULKARNI, J]