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

ARBITRATION APPLICATION NO.338 OF 2018

Syed Adil Umair	..Applicant
Vs.	
Super Chemist Pvt. Ltd. & Ors.	..Respondents

**WITH
ARBITRATION APPLICATION NO.380 OF 2018**

Vittalkumar Ramkumar	..Applicant
Vs.	
Super Chemist Pvt. Ltd. & Ors.	..Respondents

Mr.Prateik Parija i/b. M/s.Probus Legal for Applicant.
Mr.Shavez Mukri i/b. M/s.India Law LLP for Respondents.

CORAM : G.S. KULKARNI, J.

DATE : 12th MARCH, 2019

P.C.:

Leave to delete respondent Nos.2 and 3 in both the above applications. Necessary amendment be carried out during the course of the day. Re-verification is dispensed with.

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

3. These are two applications filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short, “the ACA”) whereby the applicants have prayed for appointment of a sole arbitrator to adjudicate the disputes which are stated to have been arisen between the parties under the employment agreement dated 16 November 2016.

4. The arbitration agreement between the parties is not in dispute which is contained in clause 12 of the employment agreement dated 16 November 2016 as entered between the applicants and the respondents. It is also not in dispute that the applicants by their respective letters dated 11 April 2018 invoked the arbitration agreement and sought appointment of an arbitrator to adjudicate the disputes between the parties under the employment agreement in question. As there was no concurrence on the part of respondents, present applications have been filed.

5. After these applications were heard for sometime, learned Counsel for the respondents on instructions states that the respondents are agreeable for referring the dispute for arbitration of a sole arbitrator.

6. In view of the above consensus, the applications are required to be disposed of. Hence, the order:-

ORDER

- (i) Mr. Aseem Naphade, Advocate of this Court, is appointed as a prospective sole Arbitrator to arbitrate the disputes and differences between the parties which are stated to have arisen under the employment agreement dated 16 November 2016;
- (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 these applications 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 applications are disposed of in the above terms. No costs.
- (vi) Office to forward a copy of this order to the prospective Arbitrator on the following address:
address: 31, Shanti Building, 3rd Floor, Banaji Street, Fort,
Mumbai – 400 001.
Contact: 22818377.

[G.S. KULKARNI, J.]