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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
ARBITRATION PETITION (L) NO. 1361 OF 2019**

Seya Industries Ltd And Ors	...Petitioners
<i>Versus</i>	
Beacon Trusteeship Ltd And Ors	...Respondents

**Mr Gaurav Joshi, Senior Advocate, with Mr Rohit Gupta, and Ms
Prapti Kedia, i/b IndusLaw, for the Petitioners.**
**Mr Chetan Kapadia, with Mr SS Jan, i/b M/s Crawford Bayley &
Co., for the Respondent.**

CORAM: G.S. PATEL, J.
DATED: 18th November 2019

PC:-

1. By consent, Mr JP Sen, learned Senior Advocate of this Court, is hereby nominated to act as a Sole Arbitrator.
2. By consent, the following terms will operate:
 - (a) **Communication to Arbitrator of this order:**
 - (i) A copy of this order will be communicated to him by the Advocates for the Applicant

within one week from today of the order being uploaded.

- (ii) In addition, within one week of this order being uploaded, the Registry will forward an ordinary copy of this order to the learned Sole Arbitrator at the following postal and email addresses:

Arbitrator/s Mr JP Sen, Senior Advocate

Address MB House, 1st Floor, 79,
Janmabhoomi Marg,
Fort,
Mumbai 400 001

Mobile +91 98200 70691

Email jpsen1@gmail.com

- (b) **Disclosure:** The learned Sole Arbitrator is requested to forward his statement of disclosure under Section 11(8) read with Section 12(1) of the Arbitration Act to the Prothonotary and Senior Master of this Court, referencing this arbitration application, as soon as possible, and in any case sufficiently in advance of his entering upon the reference to his arbitration. That statement will be retained on the file of this application. Copies will be given to both sides.
- (c) **Appearance before the Arbitrator:** Parties will appear before the learned Sole Arbitrator on such date and at such place as he nominates to obtain appropriate

directions in regard to fixing a schedule for completing pleadings, etc.

(d) Contact/communication information of the parties:

Contact and communication particulars are to be provided by both sides to the learned Sole Arbitrator within one week of this order being uploaded. The information is to include a valid and functional email id.

(e) Interim Application/s:

(i) Liberty to the parties to make an interim application or interim applications under Section 17 of the Arbitration & Conciliation Act, 1996 before the learned Sole Arbitrator. Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.

(ii) The present petition under Section 9 of the Arbitration & Conciliation Act, 1996 will be treated in arbitration as an application under Section 17. The learned Sole Arbitrator will issue the necessary directions for filing of Affidavit in Reply to the Section 17 application. The learned Sole Arbitrator is requested to dispose of Section 17 Petition at the earliest possible.

(iii) All contentions are kept open.

- (f) **Fees:** The arbitral tribunal's fees shall be governed by the Bombay High Court (Fees Payable to Arbitrators) Rules, 2018.
 - (g) **Sharing of costs and fees:** Parties agree that all arbitral costs and the fees of the arbitrator will be borne by the two sides in equal shares.
 - (h) **Consent to an extension if thought necessary.** Parties immediately consent to a further extension of up to six months to complete the arbitration should the learned Sole Arbitrator find it necessary.
 - (i) **Venue and seat of arbitration:** Parties agree that the venue and seat of the arbitration will be in Mumbai.
3. The petition is disposed of in these terms. No order as to costs.

(G. S. PATEL, J)