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

ARBITRATION APPLICATION NO.358 OF 2018

Rohinton Phiroze Wadia ... Applicant.

V/s.

M/s Aanya Realtors & ors ... Respondents

Ms. Madhura Chitnis a/w Ms. Ankeeta Appaanna i/by KRY
Legal, for the Applicant.

Mr. Rohit Chugani, for respondent No.2 in person.

CORAM : G. S. KULKARNI, J.

DATE : 26th FEBRUARY, 2019.

P.C. :

1] Heard Ms. Madhura Chitnis, learned counsel for the applicant and Mr. Rohit Chugani, respondent No.2, who appears in person. Learned counsel for the applicant submits that she identifies respondent No.2 as respondent No.2 had visited the applicant's office for the settlement.

2] This application is filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, "ACA Act"), whereby applicant has prayed for appointment of Arbitrator to adjudicate their disputes and differences, which are raised in the Memorandum of Understanding executed in October, 2013 and subsequent agreement dated 7.12.2015. Paragraph No.9 of the said MOU reads thus:-

“9. That any disputes in this matter may be referred for arbitration within the jurisdiction of Mumbai, in terms of the Indian Arbitration and Conciliation Act, 1996 to any mutually acceptable arbitrator/s”.

Paragraph No.10 of subsequent agreement dated 7.1.2015 reads thus :

“10. That any disputes in this matter may be referred for arbitration within the jurisdiction of Mumbai/Thane, in terms of the Indian Arbitration and Conciliation Act, 1996 to any mutually acceptable arbitrator/s”.

3] After this application was heard for sometime, Mr.Rohit Chugani -respondent No.2, who is the Managing Partner of respondent Nos. 1 & 3 agrees for appointment of an Arbitrator to adjudicate the disputes and differences between the parties. Hence, the following order.

Order

i] Mr. A.P Fanibanda, Advocate of this Court is appointed as a prospective sole Arbitrator to adjudicate the disputes and differences between the parties, arising under the Memorandum of Understanding executed in October, 2013 16.4.2010 and subsequent agreement dated 7.1.2015.

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 matter are expressly kept open.

(v) The Arbitration Application is disposed of in the above terms. No costs.

4] Office to forward a copy of this order to the learned Arbitrator on the following address:

MR. A.P. Fanibanda,
Advocate and Solicitor
6A, Kaka block Gildername
Mumbai 400 008.
Mobile No.9821099893.

[G. S. KULKARNI, J.]