

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 133 OF 2018

Shri Rajkumar Kishanchand Jaswani ...Petitioner

Vs.

Shri Dilip Sarjerao Konde ...Respondent

Mr. Nitesh Zimur i/b A.R.S. Baxi, Advocate for Petitioner.

Mr. Sushil A. Inamdar, Advocate for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 12 MARCH 2020

P. C.

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short 'the Act'), whereby the petitioner has prayed for an appointment of arbitral tribunal for adjudicating the disputes and differences which have arisen between the petitioner and respondent who are partners in a firm in the name and style of M/s Rameshwar Construction. The arbitration agreement is contained in clause 20 of the Partnership Deed dated 1 April 2013.

3. After the petition was heard for some time, learned counsel for the respondent submits that his client would not have any objection for disputes being referred for adjudication by appointing an arbitral tribunal. In view of consensus between the parties, the petition is required to be allowed and disposed off. Hence, the following order:

ORDER

- i) Mr. J. L. Deshpande, Retired District and Sessions Judge, is appointed as a Sole Arbitrator to adjudicate the disputes and differences between the parties arising under the Partnership deed dated 1 April 2013.
- 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 Registrar, Judicial of this Court, to be placed on record of this petition with a copy to be forwarded to both the parties.
- iii) The fees payable to the arbitral tribunal shall be governed by the provisions prescribed under the Bombay High Court (Fees Payable to Arbitrators) Rules, 2018;
- iv) At the first instance, the parties shall appear before the prospective arbitrator within 10 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 petition 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:

“ Mr. J. L. Deshpande,
A-302, Shefalika Heights,
Balwanpuram, Paud Road,
Kothrud, Pune-411038.
Phone-25382165.
Phone-25382165
Mob-9420909060.

[G.S. KULKARNI, J.]