

psv

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

**COMMERCIAL ARBITRATION APPLICATION (L.) NO.123 OF 2020**

Navnit Autospares (Nagpur) Pvt. Ltd.

....Applicant

V/s.

M/s.Tata Motors Ltd.

....Respondent

-----

Mr.Shyam Dewani with Mr.Chirag Chanani i/b. Dewani & Associates for  
Applicant.

Mr.A.S. Marathe for Respondent.

-----

**CORAM : G.S. KULKARNI, J.**

**DATE : 16<sup>th</sup> MARCH, 2020**

**P.C.:**

This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, “the Act”) whereby the applicant has prayed for appointment of an arbitral tribunal to adjudicate the disputes and differences which are stated to have arisen between the parties under the Distributorship Agreement dated Nil April 2017. Clause 29 of the said agreement is the arbitration agreement between the parties which reads thus:-

“29. Arbitration- Any disputes or differences or claims arising from this Agreement either as to construction, meaning or effect thereof or as to the rights and liabilities of the parties herein shall be settled by an arbitration to be held in Mumbai in accordance with the rules of arbitration of the Bombay Chamber of Commerce & Industry. The award, including interim awards, of the arbitrator will be final and binding on the Parties concerned.”

2. Learned Counsel for the respondent on instructions would state that his client has no objection for appointment of an arbitrator. The parties however agree that this Court appoints an arbitral tribunal.

3. In the above circumstances, the application is required to be allowed. Hence, the following order:-

**ORDER**

- (i) Mr. Justice M.S. Sanklecha (Retd.) is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the Distributorship Agreement dated Nil April 2017 ;
- (ii) The learned sole prospective arbitrator, 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 this application 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;
- (v) All contentions of the parties on merits of the matter are expressly kept open;
- (vi) The application 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:

address:

42, Daulat 6<sup>th</sup> Floor,  
Daulat Shirin Co-op. Housing  
Society Ltd., 31 D,  
Colaba Road, Near Colaba Post Office,  
Mumbai – 400 005.  
Email: [manojsanklecha@gmail.com](mailto:manojsanklecha@gmail.com)  
Mobile: 9820065338

[G.S. KULKARNI, J.]