

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
APPLN. FOR APPOINTMENT OF ARBITRATOR
NO.7/2021

OCEAN 7 HOTELS AND RESORTS,
A PROP CONCERN OF NIMPHA
RODRIGUES ...APPLICANTS

Versus

MYPREFERRED TRANSFORMATION
AND HOSPITALITY PVT. LTD. ...RESPONDENTS

Ms. Tanvi Kamat Ghanekar, Advocate for the Applicants.

Mr. Abhijit Gosavi, with Mr. Athnain Naik, Advocates for the Respondents.

CORAM: M. S. SONAK, J.

DATED: 7th October 2021

ORAL ORDER :

- 1.** Heard Ms. Tanvi Kamat Ghanekar for the applicants and Mr. Abhijit Gosavi for the respondents.
- 2.** This is an application seeking appointment of an arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996 (said Act).

3. There is no dispute that the agreement between the parties contains an arbitration clause. This is to be found in clause 9, which reads as follows :

“ 9.1 In the event of a dispute arising out of this Agreement, the Parties will confer and make a good faith effort to settle the dispute. If the dispute cannot be settled in three (3) days following the day of such conference, then the parties will refer the dispute to a single arbitrator who may be mutually agreed. The arbitration proceedings will be governed by the provisions of Arbitration and Conciliation Act, 1996. The arbitration will be held in English language only and the seat of arbitration will be in Goa.”

4. Some disputes have arisen between the parties and the applicant gave a notice to the respondents to concur in the appointment of the arbitrator. However, the same was not positively responded. Hence, the present application.

5. Initially, the respondents had raised an objection about insufficient stamping of the agreement, which contains the arbitration clause. However, later on Mr. Gosavi quite fairly did not press this objection. Mr. Gosavi pointed out that in the copy of the agreement furnished to him, the details of stamping were not available and, therefore, the objection was raised.

6. The learned Counsel for the parties agree that a suitable arbitrator can be appointed to go into the disputes which have arisen between the parties.

7. Accordingly, it is proposed to appoint Ms. A.A. Agni, learned Senior Advocate of this Court as an arbitrator. Ms. Agni is present in the Court and upon being apprised of the status of the parties to the dispute, has stated that she will have no difficulty if nominated as an arbitrator.

8. Ms. Agni has stated that necessary statement of disclosure will be filed in the course of the day.

9. Accordingly, this application is disposed of by appointing Ms. A. A. Agni, learned Senior Advocate of this Court as an arbitrator in the matter. The fees of the learned Arbitrator will be in terms of the provisions of the said Act and the Rules, as applicable.

10. This application is disposed of in the aforesaid terms. There shall be no order as to costs.

M. S. SONAK, J.