

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION NO.15 OF 2020

M/s. SRK Fashion	.. Petitioner
v/s.	
Crystal Knitters Private Limited	.. Respondent

Mr. Milind M. Sathaye for the petitioner.

Mr. S. Kanagaraj for the respondent.

CORAM : A. K. MENON, J.

DATED : 22ND MARCH, 2021.

P.C. :

Called for hearing and final disposal.

1. The petition seeks appointment of a Sole Arbitrator pursuant to the disputes and differences between the parties arising out of a Franchise Agreement dated 23rd October, 2017, copy of which is at Exhibit 'A'.

2. There is no dispute between the parties today that the Franchise Agreement was executed. Article XXVIII of the agreement contains a provision for reference to arbitration. It, inter alia, provides that the dispute will be referred to arbitration at Nashik

in accordance with the Act and that the arbitration shall be conducted by a sole arbitrator appointed by the Franchisor. That aspect cannot now to be enforced since the arbitration will have to conduct an independent person.

3. The learned counsel for the respondent has a grievance as to the manner of the termination of the agreement. However, that is a matter for the Arbitrator to adjudicate upon. We are presently concerned only with the appointment of an arbitrator.

4. In view thereof I pass the following order;

(i) By consent, Mr. S.C. Magare, Retired District & Additional Sessions Judge, Flat no.2, 1st floor, 'Revati Lifestyle' Opp. Canara Bank, Near Vavshya Ganpati Temple, Gangapur Road, Anandwali, Nashik-422013, is appointed as Sole Arbitrator to adjudicate upon claims and counter claims, if any,

(ii) The learned Arbitrator is requested to file his disclosure statement under Section 11(8) and Section 12(1) within two weeks from today with the Registrar (Judicial-I) and provide copies to the parties.

(iii) The Arbitrator is requested to convene a preliminary meeting at his earliest convenience.

(iv) Parties to appear before the Sole Arbitrator on a date to be fixed by him.

(v) Fees payable to the Sole Arbitrator will be in accordance with the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.

(vi) Arbitration Petition is disposed in the above terms.

(vii) No costs.

(A. K. MENON, J.)

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Wadhwa
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