

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

ARBITRATION PETITION NO.33 OF 2021

Bajaj Auto Ltd.

.. Petitioner

Vs.

Harshit Bajaj

.. Respondent

Ms. Swati Sutar, with Ms. Mansi Chheda, i/by Dhru & Co., for the Petitioner.

Mr. Darshanchandra B. Zaveri for the Respondent.

CORAM : A. K. MENON, J.

DATED : 5TH APRIL, 2021.

P.C. :

1. The petition seeks appointment of a Sole Arbitrator in relation to disputes that have arisen between the parties under a Dealership Agreement dated 17th January 2018, true copy of which is said to be at Exhibit-A to the petition. The said dealership agreement incorporates a dispute resolution provision. In Article 24, parties have agreed that any dispute in relation to the agreement shall be referred to the Sole Arbitrator to be appointed by the Executive Director of the petitioner; however in view of the amended provisions of the Arbitration and Conciliation Act, it will not be possible to adhere to this provision.

2. By consent, both the parties have today agreed that disputes and differences between them be referred to the sole arbitration of a counsel of this court. Considering the fact that clause 24.3 of Article 24 of the agreement

provides for place of arbitration to be Pune, both the learned counsel have today agreed, on instructions, that the seat and venue of arbitration shall now to be Mumbai . Accordingly, I pass the following order :-

- (i) Mr. Rohan Sawant, Advocate, 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 three weeks from today with the Registrar (Judicial-I) and provide copies to the parties.
- (iii) Parties to appear before the Sole Arbitrator on a date to be fixed by him as per his convenience.
- (iv) Fees payable to the Sole Arbitrator will be in accordance with the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.
- (v) Arbitration Petition is disposed in the above terms.
- (vi) No costs.

(A. K. MENON, J.)