

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

ARBITRATION PETITION NO.45 OF 2021

Shree Enterprises

.. Petitioner

v/s.

Meenamani Ganga Builder LLP

.. Respondent

Mr. Pradeep J. Thorat i/b. Aniesh S. Jadhav for the petitioner.

Dr. Birendra Saraf, Sr. Advocate, i/b. Jaydeep Deo for the respondent.

CORAM : A. K. MENON, J.

DATED : 9TH JUNE, 2021.

(THROUGH VIDEO CONFERENCE)

P.C. :

1. This is a petition seeking appointment of a Sole Arbitrator pursuant to “Agreement For Building Contract” dated 18th January, 2018. That agreement contains an arbitration clause bearing no.13 which reads as follows;

“13. Any disputes, differences or non-performance or non-payment between the promoters and the CONTRACTOR arising under this agreement, shall be referred to Sole Arbitrator under the provisions of Arbitration and Conciliation Act, 1996. Such Arbitrator shall be held in Pune and conducted in ENGLISH language only.”

2. It is today agreed between the parties that the disputes and differences between them shall be referred to the Sole Arbitrator Dr. Smt. Shalini Phansalkar-Joshi, Former Judge of this Court. In the meantime, it is stated that the respondent has filed an arbitration appeal under Section 37 of the Act challenging an order passed on 22nd February, 2021. That appeal is also listed today and is disposed by a separate order.

3. In view thereof, I pass the following order;

(i) Dr. Smt. Shalini Phansalkar Joshi, Former Judge of this Court, Bungalow no.12, Bhagya Chintamani Society, Poud Road, Kothrud, Pune-411038 is appointed as Sole Arbitrator.

(ii) The learned Arbitrator is requested to file her disclosure statement under Section 11(8) and Section 12(1) preferably on or before 19th June, 2021 with the Registrar (Judicial-I) and provide copies to the parties.

(iii) Parties are directed to appear before the Sole Arbitrator at the earliest convenience of the Sole Arbitrator.

(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.)