

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

ARBITRATION PETITION NO.60 OF 2021

Indicus Software Pvt. Ltd.

.. Petitioner

Vs.

Infinite Uptime India Pvt. Ltd.

.. Respondent

Mr. Ashutosh Gole, i/by Mr. Siddharth C. Wakankar, for the Petitioner.

Mr. Darshanchandra Zaveri for the Respondent.

CORAM : A. K. MENON, J.

DATE : 28TH JUNE, 2021.

[THROUGH VIDEO CONFERENCE]

P.C. :

1. This petition seeks appointment of a Sole Arbitrator to adjudicate upon disputes and differences between the parties. The arbitration agreement is not in dispute.; however, the respondent has apparently not agreed to appointment of an arbitrator despite notice having been served upon it.

2. On behalf of the respondent, learned counsel is today agreeable to appointment of a Sole Arbitrator and dispose this petition. He does not wish to file any reply.

3. Having heard learned counsel for the parties and having perused the agreement dated 9th January 2020 and the notice invoking arbitration, annexed at Exhibit-E to the petition, I am of the view that this petition can be disposed at this stage. In view thereof, I pass the following order :-

- (i) Mr. Zaveri undertakes to enter appearance on behalf of the respondent within two weeks from today. Statement is accepted.

- (ii) By consent, Mr. Devendra V. Saralkar, Advocate, having his office at 204, Gopalkrupa, Hotel Surbhi Lane, Opp. Darshan Tyres, Off Jangli Maharaj Road, Shivaji Nagar, Pune – 5, is appointed as Sole Arbitrator to adjudicate upon disputes and differences between the parties under the Agreement dated 9th January 2020.
- (iii) Office to inform the Sole Arbitrator of his appointment.
- (iv) Considering the narrow scope of the dispute, the parties agreed that the Sole Arbitrator could conclude the Reference within six months from the date of first hearing.
- (v) The learned Arbitrator is requested to file his disclosure statement under Section 11(8) and Section 12(1) of the Arbitration and Conciliation Act, 1996, within a period of three weeks from the date of receipt of intimation, with the Registrar (Judicial-I) and provide copies to the parties.
- (vi) Parties to appear before the Sole Arbitrator on a date to be fixed by him.
- (vii) Fees payable to the Sole Arbitrator will be in accordance with the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.
- (viii) Arbitration Petition is disposed in the above terms.
- (ix) No costs.

(A. K. MENON, J.)