

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 30 OF 2021

Goldfield Developers	...Petitioner
<i>Versus</i>	
Phoenix Ventures	...Respondent

Ms Asha Kanzariya, with Vijay Upadhyay, i/b Sitesh Sharma, for the
Petitioner.

CORAM: G.S. PATEL, J
(Through Video Conferencing)
DATED: 11th August 2021

PC:-

ARUN
RAMCHNDRA
SANKPAL

Digitally signed by
ARUN
RAMCHNDRA
SANKPAL
Date: 2021.08.12
10:44:20 +0530

1. The Respondent is absent despite service. There is an Affidavit of Service. The Joint Venture Agreement dated 31st March 2017 has an Arbitration Clause 27. This does not specify a venue, but says that the disputes between the parties are to be referred to a sole Arbitrator. I will appoint Mr Justice SR Sathe, former Judge of this Court as the sole Arbitrator to decide the disputes and differences between the parties under the Joint Venture Agreement dated 31st March 2017.

TERMS OF APPOINTMENT

(a) **Appointment of Arbitrator:** Justice SR Sathe, former Judge of this Court, is hereby nominated to act as a Sole Arbitrator to decide the disputes and differences between the parties under Joint Venture Agreement dated 31st March 2017.

(b) **Communication to Arbitrator of this order:**

(i) A copy of this order will be communicated to the learned Sole Arbitrator by the Advocates for the Petitioner within one week from the date this order is uploaded.

(ii) The Advocates for the Petitioner will forward an ordinary copy of this order to the learned Sole Arbitrator at the following postal and email addresses:

Arbitrator **Hon'ble Justice SR Sathe,**
 former Judge of this Court.

Address A-802,
 Ruturang Apartment,
 Behind Paranjape School,
 Kothrud,
 Pune - 411038.

Phone No. 022-25396407

(c) **Disclosure:** The learned Sole Arbitrator is requested to forward, in hard copy or soft copy (or both), the necessary statement of disclosure under Section 11(8) read with Section 12(1) of the Arbitration Act to Advocates for the parties as soon as possible. The

Advocates for the Petitioner will arrange to file the original statement in the Registry. If the statement is forwarded in soft copy, a print out of the covering email is also to be filed in the registry.

- (d) **Appearance before the Arbitrator:** Parties will appear before the learned Sole Arbitrator on such date and at such place as the learned Sole Arbitrator nominates to obtain appropriate directions in regard to fixing a schedule for completing pleadings, etc.
- (e) **Contact/communication information of the parties:** Contact and communication particulars are to be provided by both sides to the learned Sole Arbitrator. The information is to include functional email addresses and mobile numbers.
- (f) **Section 16 application:** The respondent is at liberty to raise all questions of jurisdiction within the meaning of section 16 of the Arbitration Act. All contentions are left open.
- (g) **Interim Application/s:**
 - (i) Liberty to the parties to make an interim application or interim applications including (but not limited to) interim applications under Section 17 of the Arbitration & Conciliation Act, 1996 before the learned Sole Arbitrator. Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.

- (ii) The learned Sole Arbitrator is requested to dispose of all interim applications at the earliest.
 - (h) **Fees:** The learned Sole Arbitrator fees shall be in his discretion.
 - (i) **Sharing of costs and fees:** Parties agree that all arbitral costs and the fees of the arbitrator will be borne by the two sides in equal shares in the first instance.
 - (j) **Consent to an extension if thought necessary.** Parties immediately consent to a further extension of up to six months to complete the arbitration should the learned Sole Arbitrator find it necessary.
 - (k) **Venue and seat of arbitration:** Parties agree that the venue and seat of the arbitration will be in Pune.
 - (l) **Procedure:** These directions are not in derogation of the powers of the learned Sole Arbitrator to decide and frame all matters of procedure in arbitration.
2. The Petitions are disposed of in these terms. No costs.
3. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production of an ordinary copy of this order.

(G. S. PATEL, J)