

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMMERCIAL ARBITRATION APPLICATION NO. 14 OF 2021

Tata Communications Payment
Solutions Limited

....Applicant

V/s.

Indian Overseas Bank

....Respondent

Mr. Ketan Gaur a/w Ms. Kaustubh Narendran and Ms. Ritika Ajitsaria and
Ms. Saloni Gupta i/b Trilegal for Applicant.
None for Respondent.

**CORAM : K.R.SHRIRAM, J.
DATED : 23rd JULY 2021**

P.C. :

1. This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 (said Act). The arbitration clause contained in the Service Level Agreement between applicant and respondent dated 28/07/2012 provided in Clause 12.6 Resolution of Disputes by arbitration. It also provides place of hearing in Mumbai. Clause 12.16 provides for exclusive jurisdiction of court at Mumbai.

2. Petitioner had given notice of reference dated 26/06/2020 suggesting the name of Mr. Justice Ferdino Rebello (Retd.), former Chief Justice of the Allahabad High Court as Sole Arbitrator. In reply, respondent

suggested name of one Mr. Justice S.Rajeswaran (Retd.) Judge of the Madras High Court.

3. Respondent has entered appearance through its Advocate Mr.Sunil Kadam but no reply has been filed. Mr. Gaur states he has not received any communication from Mr. Kadam having entered appearance for respondent. Mr. Gaur leaves it to the court to appoint an Arbitrator.

4. This court hereby appoints Mr. Justice Naresh H. Patil (Retired) former Chief Justice of this Court (Address : Ajmera I-Land, 2203-A, Zeon Bhakti Park, Wadala (E), Mumbai- 400 037, Mobile : 9422210444, Email : nareshhpatil@gmail.com) as Sole Arbitrator to arbitrate on all disputes arising out of and/or in connection with and/or relating to the Service Level Agreement dated 28/07/2012 and counter claim, if any.

5. The fees of the learned Arbitrator to be fixed by the learned Arbitrator together with administrative expenses and typing charges, if any, and to be shared equally between the parties and the same will be costs in the arbitral proceedings. Schedule 4 shall not apply.

6. With the intention of saving time and for sake of expediency, either of the party will forward a copy of this order to the learned Arbitrator and the learned Arbitrator to give declaration as required under Section 11

(8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 directly to the parties. Once received, a copy of the same will be filed by petitioner in the court to be placed alongwith the Record and Proceedings of this application. If the learned Arbitrator expresses his inability to accept the reference to the parties before entering into reference, parties are at liberty to approach the court for appointment of substitute Arbitrator.

7. Application accordingly stands disposed.

(K.R. SHRIRAM, J.)