

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 65 OF 2021**

Manish Shah (HUF)	...Applicant
<i>Versus</i>	
Syed Althaf	...Respondent

Mr Aurup Dasgupta, *with Shruti Sardesai, Sonam Ghiya & Jinal Vani, i/b M/s. Jhanginai Narula & Associates, for the Applicant.*
Mr AM Saraogi, *for the Respondent.*

CORAM: G.S. PATEL, J
(Through Video Conferencing)
DATED: 8th April 2021

PC:-

1. Heard through video conferencing.

2. By consent, the disputes and differences between the parties arising under the Deed of Assignment dated 19th April 2018 are referred to the sole arbitration of Mr Nimay Dave, learned Advocate of this Court.

TERMS OF APPOINTMENT

- (a) Appointment of Arbitrator:** By consent, Mr Nimay Dave, learned Advocate of this Court, is hereby nominated to act as a Sole Arbitrator to decide the

disputes and differences between the parties under the Deed of Assignment dated 19th April 2018.

(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 Applicant within one week from the date this order is uploaded.
- (ii) The Advocates for the Applicant will forward an ordinary copy of this order to the learned Sole Arbitrator at the following postal and email addresses:

Arbitrator Mr Nimay Dave, Advocate.

Address C/o. Mustafa Doctor,
Senior Advocate,
29/29A, Alli Chamber,
Nagindas Master Road, Fort,
Mumbai 400 023.

Mobile 98208 86286

Email nimaydave@gmail.com

- (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 Applicant 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 arbitral tribunal's fees shall be governed by the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.
- (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 Mumbai.
- (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.

3. The Arbitration Application is disposed of in these terms. Liberty to the parties to seek costs of this application in arbitration.

4. All concerned will act on production of an ordinary copy of this order.

(G. S. PATEL, J)