

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION****ARBITRATION APPLICATION NO. 124 OF 2021**

Siddhivinayak Travels

....Applicant

V/s.

M/s. Tech Mahindra Business Services
Pvt. Ltd.

....Respondent

Mr. Siddh Pamecha i/b Kuber Walge for Petitioner/Applicant.

Mr. Sumit Rai a/w Mr. Mihir Mody and Mr. Arnav Misra i/b K. Ashar and
Co. for Respondent.

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

1. Mr. Rai for respondent states that arbitration clause provides for three arbitrators but court may appoint Sole Arbitrator to keep the cost low and keep open all rights and contentions of respondent to be raised before the Arbitrator including whether the dispute was arbitrable.

2. Mr. Pamecha for applicant has suggested names of two senior advocates in his notice of reference dated 08/01/2021. Mr. Rai suggested that a former Judge of this court be appointed. After some time, both counsel suggested that a Senior Advocate of this court be appointed. The court suggested the name of Mr. J.P. Sen, Senior Advocate. Mr.Pamecha and Mr.Rai were agreeable.

3. Accordingly, Mr. J.P. Sen (Address : Plot No.110, Mysore Colony, Chembur, Mumbai – 400 074, Mobile No.: 9820070691, Email : jpsen1@gmail.com) Senior Advocate is appointed as Sole Arbitrator to arbitrate on all disputes arising out of and/or in connection with and/or relating to Service Provider Agreement dated 21/12/2017 and counter claims, if any.

4. The fees of the learned Arbitrator together with administrative expenses and out of pocket expenses to be shared equally between the parties and the same will be costs in the arbitral proceedings.

5. Learned counsel agreed, 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.

6. Application accordingly stands disposed.

(K.R. SHRIRAM, J.)