

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

ARBITRATION PETITION NO.283 OF 2021

Satish Rohidas Kale

.. Petitioner

v/s.

Dev Blessings Textiles Pvt.Ltd. & Ors.

.. Respondents

Mr. Rishabh Shah i/b. Ajit Shobhawat i/b. AJS Legal for the petitioner.

Mr. Ankur Shah i/b. Jatin Sheth for the respondents.

CORAM : A. K. MENON, J.

DATED : 31ST AUGUST, 2021.

P.C. :

1. This is an application under Section 9 of the Arbitration and Conciliation Act, 1996 based on an arbitration agreement as a result of disputes and difference between the parties to a writing styled as “Memorandum of Understanding”. The writing is dated 14th January, 2016. The applicant-petitioner is one of the parties to the Memorandum and the writing contains an Arbitration Clause. Although relief under Section 9 has been sought in the above petition, both the learned counsel state that they are willing to appoint an Arbitrator by consent. In view of this consensual

appointment that they propose, Mr. Shah states that the relief sought in the present petition will be sought before the arbitral tribunal in an application under Section 17.

2. In view thereof, I pass the following order;

(i) Disputes and differences between the parties are referred to the arbitration of Shri Vishal Kanade, Advocate, who shall act as Sole Arbitrator.

(ii) The relief sought in the present petition shall be sought in an application under Section 17 of the Act.

(iii) The petition is disposed in the above terms.

(iv) It is made clear that this court has not examined the merits of the contentions of the parties.

(A. K. MENON, J.)