

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

ARBITRATION APPLICATION NO.353 OF 2019

Anil Vora HUF & Anr.

.. Applicants

v/s.

Kavya Buildcon Pvt.Ltd. & Ors.

.. Respondents

Mr. Vyom Shah i/b. Vinay Bhanushali for the petitioners.

Ms. Kausar Banatwala a/w Gauri Sakhardhande i/b. Tushar Goradia for the respondent nos.1 to 4.

Mr. Darshan Ashar a/w Kaushal Udeshi, Suman Wagle i/b. Sanjay Udeshi & Co. for respondent no.5.

CORAM : A. K. MENON, J.

DATED : 25TH AUGUST, 2021.

P.C. :

1. By this application, the applicants seek an appointment of a sole arbitrator pursuant to agreement between the parties. It is the case of the applicants and respondent nos.1 to 4 that disputes have arisen between them in relation to Kavya Construction Company of which they are partners and that the respondent no.1 company was earlier known as Akruti Construction Company.
2. Both learned counsel have agreed that the arbitration agreement between them is embodied in the agreement and there is no

dispute whatsoever on the fact that disputes and differences are referred to a sole arbitrator. Respondent no.5 is an erstwhile partner. There is also no dispute between the parties before me today that respondent no.5 has retired and that the applicants have no claims against respondent no.5. Respondent no.5 has a claim against the partnership firm in respect of which he has adopted separate proceedings.

3. In that view of the matter, the applicants do not wish to continue to prosecute this application as against respondent no.5. At their request, respondent no.5 is dropped from this application. Since the parties have agreed to refer the dispute to a sole arbitrator and have agreed to nominate Mr. Karl Shroff, Advocate.

4. In view thereof, I pass the following order :-

(i) Mr. Karl Shroff, Advocate, is appointed as Sole Arbitrator to adjudicate upon claims and counter claims, if any,

(ii) The learned Arbitrator is requested to file his disclosure statement under Section 11(8) and Section 12(1) on or before 9th September, 2021 with the Prothonotary and Senior Master and provide copies to the parties.

(iii) Parties to appear before the Sole Arbitrator on a date to be fixed by him at his earliest convenience.

- (iv) Fees payable to the Sole Arbitrator will be in accordance with the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.
- (v) Arbitration Petition is disposed in the above terms.
- (vi) No costs.

(A. K. MENON, J.)