

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

ARBITRATION APPLICATION NO.355 OF 2019

Anil Vora

.. Applicant

v/s.

Kavya Buildcon Pvt.Ltd. & Ors.

.. Respondents

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

Ms. Kausar Banatwala a/w Gauri Sakhardhande i/b. Tushar Goradia for the respondent no.1.

CORAM : A. K. MENON, J.

DATED : 25TH AUGUST, 2021.

P.C. :

1. This is an application under Section 11 of the Arbitration & Conciliation Act, seeking appointment of a Sole Arbitrator under clause 26 of the Partnership Deed. At the outset, it is pointed out that respondent nos.2, 3 and 4 have been inadvertently joined in this petition since they are only the Directors of respondent no.1 along with respondent nos.5 and 7. Respondent no.6 is the son of the original partner viz. Mithul Doshi and respondent no.6 has since been admitted into the partnership. These are facts which are admitted on behalf of

respondents before me viz. respondent no.5 is seen to have been duly served as per service report by hand delivery on 20th August, 2021. None appears on call.

2. I am informed that respondent nos.6 & 7 have also been served with notice. The affidavit of service dated 24th August, 2021 is on file which enclosed acknowledgments of respondent nos.6 & 7 who are seen to have been received the postal packet containing a notice dated 18th August, 2021. That notice specifies that petition will be listed today for final hearing. Both these respondents are absent on call.

3. In view of this, the petition is disposed in the following order;

(i) Leave to amend to delete the names of respondent nos.2, 3 & 4. Amendment to be carried out forthwith. Re-verification is dispensed with.

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

(iii) 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.

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

(v) Fees payable to the Sole Arbitrator will be in accordance with the

Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.

(vi) Arbitration Petition is disposed in the above terms.

(vii) No costs.

(A. K. MENON, J.)