

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

ARBITRATION APPLICATION NO.454 OF 2019

Nehru Nagar Satyam Co-operative Housing

Society Ltd.

.. Applicant

v/s.

Crown Constructions Company & Ors.

.. Respondents

Mr. Aakash Rebello a/w Chitra Kawalekar i/b. Sachin Masurkar for the applicant.

Mr. Asoo Nihalani in person.

Mr. Hassan Khan for the respondent nos.1 & 3.

Mr. Tahir Prande i/b. Juris Consillis for respondent nos.2 & 4.

CORAM : A. K. MENON, J.

DATED : 25TH AUGUST, 2021.

P.C. :

1. This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of a Sole Arbitrator. Pursuant to an agreement for reference of disputes for adjudication by a Sole Arbitrator pursuant to clause 7 which embodies the arbitration agreement. Respondent no.3 is present in person. He states that he does not wish to engage an Advocate.

Today he confirms being the sole proprietor of respondent no.1.
Respondent nos.2 and 4 are represented by counsel.

2. Mr. Nihalani is duly identified by his Advocate who is present in court today and has been informed of the purposes for which the reference is being made. After consulting his legal advisor, Mr. Nihalani states that he has no objection to all disputes and differences being referred for adjudication of Shri Vishal Kanade, Advocate. Mr. Rebello states that he too has no objection to the proposed reference. It is pointed out that respondent nos.2 & 4 have vide their Advocate's letter dated 13th December, 2018 addressed on behalf of respondent nos.2 & 4 to the Advocate for the applicant, conveyed their consent for appointment of Shri Kanade.

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

(i) Mr. Vishal Kanade, 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 8th 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.)