

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

APPLICATION FOR APPOINTMENT OF ARBITRATOR NO. 07 OF 2022

Ravalnath Builders Rep. By Partner Rajesh

Vasant Harmalkar

... Applicant

Versus

Mypreferred Transformation and Hospitality ...Respondent

Pvt. Ltd., Rep. By Managing Director

Mr. Ajit R. Kantak, Advocate with *Mr. Raunak A. Kantak,*
Advocate for the Applicant.

Mr. Abhijeet Gosavi, Advocate for the Respondent.

CORAM: G. S. KULKARNI, J
DATED: 5th September, 2022

P.C.

1. This is an application filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, "the Act"), whereby the Applicant has prayed for appointment of an arbitral tribunal to adjudicate the disputes and differences between the parties, which have arisen under the contract titled Management Agreement dated 11.08.2019. The arbitration agreement between the parties is contained in Clause 1 of the Agreement. There is no dispute with regard to existence of the Arbitration Agreement between the parties.

There is a lawful invocation of the Arbitration Agreement. As the Respondent did not concede in appointing the arbitral tribunal if present Arbitration had to be filed by the Applicant.

2. Learned Counsel for the Respondent has fairly stated that his client has no objection for appointment of an arbitral tribunal.

3. In view of the consensus as noted above and as the requirements under Section 11 of the said Act for this Court to exercise jurisdiction are imminently present, this application for appointment of Arbitrator is required to be allowed. Hence, the following Order :

ORDER

(i) *Mr. R. G. Ramani, Senior Advocate, is appointed as a sole Arbitrator to adjudicate the disputes between the parties which have arisen under the Management Service Agreement dated 11.08.2019.*

(ii) *The learned sole Arbitrator, before entering the arbitration reference, shall make a declaration under Section 11(8) read with Section 12(1) of the said Act to be placed on record of the present proceedings and furnish a copy thereof to the parties.*

(iii) The parties are directed to appear before the learned Arbitrator within a period of 15 days from today on a date which may be mutually convenient and as may be fixed by the sole Arbitrator.

(iv) It will be open to the sole Arbitrator to fix the fees as per law.

(v) All contentions of the parties are expressly kept open.

4. The application is disposed of in the above terms. No costs.

G. S. KULKARNI, J

ANDREZA PEREIRA
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Date: 2022.09.06 15:32:00 +05'30'