

Ms. Sapna Shankar Krishnappa for Petitioner.
Ms. Aakansha Bendre i/b. Singhi & Co. for Respondents-Bank.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 14, 2022

. By this petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, the petitioner is seeking appointment of arbitrator, in the context of an Agreement with Security Interest Enforcement Agency, dated 31.10.2017. The said agreement consists of an arbitration clause, which reads as follows:-

The dispute, if any, shall be tried to be resolved amicably and if within two months, the same is not resolved, the same shall be referred to the Arbitrator as per the provisions of the Arbitration and Reconciliation Act, 1996.”

3. In the present petition, the respondents bank has appeared through counsel. Learned counsel for the respondents submits that they would

abide by the order passed by this Court.

4. In the light of the fact that there is an arbitration clause in the said agreement, the disputes have arisen between the parties and there is failure of procedure agreed between the parties for appointment of arbitrator, this Court is inclined to allow the present petition.

5. Learned counsel for the rival parties, on instructions, agree upon appointment of Mr. S. D. Dharmadhikari, a retired District Judge as the sole arbitrator for resolution of disputes between the parties.

6. Accordingly, Mr. S. D. Dharmadhikari, a retired District Judge is appointed as the sole arbitrator. The contact details of the learned arbitrator are as follows:-

Mr. S. D. Dharmadhikari
121, Agra Building, 1st Floor,
M. G. Road, Fort,
Mumbai 400 001.

7. The parties shall immediately inform the learned Arbitrator about the order passed today.

8. Learned Arbitrator is requested to submit his consent and disclosure statement in terms of Sections 11(8) read with 12(1) of the aforesaid Act within four weeks to the Registrar (Judicial) of this Court.

9. The fees of the learned Arbitrator shall be fixed in terms of the Fourth Schedule to the aforesaid Act.

10. All questions are kept open.

11. Petition stands disposed of.

(MANISH PITALE, J.)