

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 122 OF 2022

International School of Aesthetics
and Spa (ISAS)

..Petitioner

V/s.

M/s. Active Skills Beauty Academy

..Respondent

Mr. Prabhakar Jadhav for the Petitioner.

Mr. Ashutosh Gavnekar i/b S.S. Adyanthaya for Respondent.

CORAM : C.V. BHADANG, J.

DATE : 29 SEPTEMBER 2022

SNEHA
NITIN
CHAVAN

Digitally signed by
SNEHA NITIN
CHAVAN

Date: 2022.10.01
14:43:23 +0530

P.C.

. This is a petition under Section 11 (6) of the Arbitration and Conciliation Act, 1996 for appointment of Arbitrator.

2. The Petitioner is a partnership firm engaged in the business of providing vocational training with a special focus for beauty, spa, saloon and related activities. The Respondent which is a proprietary concern approached the Petitioner through proprietor Mr. Hemant Rasal somewhere in November 2017 seeking franchisee to run the business of the Petitioner in Pimpri Chinchwad Municipal Corporation (PCMC) region. Accordingly, parties entered into Franchisee Agreement dated 01.02.2018.

3. According to the Petitioner, the Respondent although admitted the liability, failed to clear the invoices raised by the Petitioner to the tune of Rs. 15,73,053/- till 31.03.2021.
4. The Petitioner by virtue of notice dated 29.06.2021, invoked the arbitration clause 16.1 as contained in the Franchisee Agreement suggesting the name of Adv. P. Narayan as Arbitrator to which the Respondent did not agree. Hence, this petition.
5. The Respondent has filed reply and has not disputed the existence of the Arbitration agreement as contained vide clause No. 16.1 of the Franchisee Agreement.
6. In such circumstances, the following order is passed.

ORDER

- (i) Shri. R. R. Deshmukh, Former District Judge, is appointed as a Sole Arbitrator to adjudicate the dispute between the parties.
- (ii) The learned Sole Arbitrator, before entering the arbitration reference, shall forward a statement of disclosure as per requirement of Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996, to the Registrar (Judicial-I) of this Court.
- (iii) At the first instance, the parties shall

appear before the prospective Arbitrator within a period of three weeks from today on a date which may be mutually fixed by the learned Sole Arbitrator.

(iv) The fees payable to the Arbitral Tribunal shall be as prescribed under the Bombay High Court (Fees payable to Arbitrators) Rules, 2018 and shall be borne by the parties in equal proportion.

(v) All contentions of the parties including on merits of the matter are expressly kept open.

(vi) The petition is disposed of in the above terms, with no order as to costs.

(vii) Office to forward a copy of this order to the learned Arbitrator on the following address:

“Shri. R.R. Deshmukh
C/o. F.602, Rose County,
Kunal Icon Road,
Near ICICI Bank, Pimple, Saudagar,
Pune– 411027.
Mobile No.9423325090
Email – arnav432@gmail.com”

C.V. BHADANG, J.