

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION NO. 184 OF 2022

M/s. Mangalmurti Enterprises through
Sole Prop. Mr. Nandkishor Motilal Malani ...Petitioner
Vs.
M/s. Sankalpan Infrastructure Private Ltd. ...Respondent

Mr. Amit Karle, for the Petitioner.
None for the Respondent.

**CORAM : MANISH PITALE, J.
DATE : 5 DECEMBER 2022**

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. Office report shows that notice issued to the respondent has been served. The learned counsel for the petitioner submits that private notice is also served on the respondent. There is no representation on behalf of the respondent, when the petition is called out for hearing. Notice was specifically for final disposal.

2. The learned counsel for the petitioner has invited attention of this Court to the 9 (nine) purchase orders whereby the respondent purchased materials from the petitioner. Each of the purchase order contains an identical arbitration clause which reads 'disputes and claims shall be settled through mutual

arbitration only’.

3. On 24/1/2022, the petitioner invoked the arbitration clause by sending notice through an Advocate in respect of the dispute that arose concerning the aforesaid purchase orders and it was claimed that petitioner was entitled to sum of Rs.9,94,267/-. In the very same notice, the petitioner nominated an Advocate at Pune to be the sole arbitrator.

4. The learned counsel for the petitioner submits that although the arbitration clause does not specify the place of arbitration, since the petitioner is located at Pune and the place where purchase orders were to be supplied is at Pune, this Court may consider appointing the sole arbitrator at Pune for resolving of the disputes between the parties.

5. The request appears to be reasonable. As noted above, none appeared for the respondent despite service.

6. In view of arbitration clause in each of the 9 (nine) purchase orders and the fact that the arbitration clause was invoked by a specific notice issued through Advocate on behalf of the petitioner and there appear to be disputes that have arisen between the parties, this Court is convinced that jurisdiction under Section 11(6) of the Arbitration and Conciliation Act, 1996, can be exercised.

7. In view of the above, Shri. Nishikant Murlidhar Deshpande is appointed as sole arbitrator.
8. The details of the sole arbitrator are as follows.
Shri. Nishikant Murlidhar Deshpande
Flat No.A1/101, Sevilla, Aldea Espanola,
Near Hotel Orchid, Mahalunge,
Pune – 411 045.
Email – nishikant.deshpande@gmail.com
Mobile No.9325111229 / 9890246111
020-64001739
9. The petitioner undertakes to inform the learned arbitrator immediately about the order passed today.
10. The learned arbitrator shall submit his consent and disclosure statement as per Section 11(8) and 12(1) of the aforesaid Act, within four weeks to the Registrar (Judicial) of this Court. The fees of the learned arbitrator shall be as per schedule IV to the said Act.
11. All questions are kept open.
12. The petition stands disposed of, in aforesaid terms.

MANISH PITALE, J.