

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
ARBITRATION PETITION NO.123 OF 2022

Samruddhi Hospitals and Research Institute through  
Partner and Authorized Signatory  
Santosh B. Parve-Patil ... Petitioner  
Vs.  
M/s. KLE Academy of Higher Education and  
Research (Kaher) and others ... Respondents

Mr. Priyal G. Sarda for Petitioner.

Mr. Sanjiv Sawant a/w. Mr. Malhar Bageshwar for Respondents.

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

**P.C. :**

1. This petition is filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of arbitrator in the light of an arbitration clause contained in a leave and licence agreement executed between the parties.

2. Upon disputes having arisen between the parties, the petitioner invoked the arbitration clause by notice dated 17.06.2022, proposing names of three arbitrators in the light of the arbitration clause. There was no response on behalf of the respondents, due to which, the petitioner was constrained to file the present petition. The respondents are represented through counsel before this Court.

3. Mr. Sawant, learned counsel for the respondents has referred to the arbitration clause, which reads as follows:-

“2. In case of any dispute between the parties, the same shall be settled by way of arbitration. However, the courts at Pune or Belagavi shall have the exclusive jurisdiction to entertain and try any suits or proceedings arising therefrom.”

4. Learned counsel for the respondents emphasizes that the clause

itself specifies that the Courts at Pune or Belagavi shall have exclusive jurisdiction. On this basis, it is submitted that since the respondents are located in Karnataka, it would be appropriate that the arbitrator is appointed at Belagavi.

5. But, this Court has perused the agreement in question. The agreement was executed in Pune in respect of the property located in Pune and the arbitration clause specifies that the Courts at Pune shall also have jurisdiction. In that light of the matter, this Court is inclined to appoint the arbitrator at Pune.

6. Accordingly, Mr. S. Z. H. Kazi, a retired District Judge available at Pune is appointed as the sole arbitrator. The contact details of the learned arbitrator are as follows:-

**Mr. S. Z. H. Kazi**  
Archana Greens Housing Society,  
Vidarbha II, Building No.B, Flat No.102,  
N.I.B.M. Road, Kondhwa, Pune.  
Mobile: 98223 58983

7. The parties undertake to 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.)**