

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 132 OF 2021

M/s. Dhanraj Construction

thr. Authorised signatory

Shri. Dhanraj Patil

..Petitioner

V/s.

M/s. Krisala Enterprises,

A partnership Firm, thr. Its partners

..Respondent

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CHAVAN

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Mr. Aniesh Jadhav i/b Mr. R.B. Jagtap for the Petitioner.

Mr. Sachin Dhakephalkar for the Respondent.

CORAM : C.V. BHADANG, J.

DATE : 22 SEPTEMBER 2022

P.C.

. This petition is filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of Arbitrator.

2. The Petitioner is a proprietary concern of Mr. Dhanraj Patil, who is a construction contractor by profession. The Respondent is a developer and promoter operating in construction business. The Respondent intended to develop and construct a project called 41 Elite at survey No. 145/1B situated at Jeevan Nagar, Near Sharyu Toyoto, Tathawade, Pune. Under an agreement dated 07.08.2019 executed between the parties, the work of construction was entrusted to the Petitioner.

3. Disputes and differences have arisen between the parties out of the said agreement. The Petitioner by a notice dated 06.08.2021 has invoked the arbitration clause which did not invoke any favourable response. Hence, this petition.
4. I have heard the learned counsel for the parties. Perused record.
5. The existence of the arbitration agreement as contained in clause No. 4.47.3 is not disputed.
6. In that view of the matter, the following order is passed:

ORDER

- (i) Hon'ble Shri. Justice S.R. Sathe, Former Judge of this Court, 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

two weeks from today on a date which may be mutually fixed by the learned Sole Arbitrator.

(iv) The fees payable to the learned Arbitrator 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. Justice S.R. Sathe
A-802, Ruturang Apart.ment,
behind Paranjape School,
Kothrud, Pune – 411038.
Tel No.020-25396407”

C.V. BHADANG, J.