

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.152 OF 2022

M/s. Solutions Advertising through its
Proprietor Mr. Pravin Solanki ... Petitioner

Vs.

Thane Municipal Transport Undertaking
and another ... Respondents

Mr. Prashant D. Jadhav a/w. Ms. Purvi S. Sharma for Petitioner.
Mr. Samrat Thakkar i/b. Mr. Jaideep Thakkar for Respondents.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 03, 2022

P.C. :

By this application filed under Section 11 of the Arbitration and Conciliation Act, 1996, the applicant is seeking appointment of an independent sole arbitrator to adjudicate the dispute between the parties.

2. By an agreement dated 10.06.2013, the applicant and respondent No.2 - Thane Municipal Transport Undertaking (hereinafter referred to as 'Undertaking') had agreed upon terms and conditions enabling the applicant to display advertisements on bus stops / bus shelters constructed by the applicant for the Undertaking.

3. It appears that disputes arose between the parties, as a consequence of which, by a communication dated 18.04.2022, the respondent Undertaking cancelled the agreement with the applicant. The applicant had moved an application under Section 9 of the aforesaid Act before the competent court. By order dated 12.07.2022, the Principal District Judge, Thane partly allowed the application restraining the respondent Undertaking from taking any action in pursuance of the aforesaid termination letter / notice dated 18.04.2022 for the period of 90 days from the date of the order. The aforesaid Court also directed the parties to appear before the Municipal Commissioner and make an

attempt of mediation. Accordingly, the parties did appear before the Commissioner. It is an admitted position that the said exercise did not result in resolution of the dispute, as a consequence of which, the applicant has filed the present application for appointment of a sole arbitrator.

4. Upon notice, the respondent-Undertaking has appeared through counsel. The parties are unable to agree on a common name for appointment as a sole arbitrator and they have left it to this Court to appoint the sole arbitrator.

5. Accordingly, Justice R. M. Savant (Retd.), a former judge of this Court, is appointed as the sole Arbitrator to adjudicate the dispute between the parties in respect of the aforesaid agreement dated 10.06.2013. The Registry is directed to send a letter to the learned Arbitrator requesting for a disclosure statement and his consent in terms of the provisions of the said Act.

6. Learned counsel invited attention of this Court to the arbitration clause in the aforesaid agreement, which specifies Thane as the seat of arbitration.

7. In that view of the matter, it is observed that the learned Arbitrator with the consent of the parties will choose an appropriate venue for undertaking arbitration.

8. The parties to appear before the learned Arbitrator on 06.10.2022, considering the urgency projected on behalf of the applicant.

9. The application is allowed and disposed of in above terms.

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

(MANISH PITALE, J.)