

Prajakta Vartak

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

COMMERCIAL ARBITRATION PETITION NO. 13 OF 2022

Bajaj Auto Ltd. ..Petitioner
Vs.
Salasar Multitrade Pvt. Ltd. ..Respondent

Mr. Mitesh Naik and Mr. Ronak Shah i/b. M/s. Dhru & Co. for Petitioner.
Mr. Akshay Vani i/b. MLS Vani and Associates for Respondent.

**CORAM : G.S. KULKARNI, J.
DATE : AUGUST 17, 2022.**

P.C.:

1. This is an application filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, "the Act") whereby the petitioner prays for appointment of an arbitral tribunal to adjudicate the disputes and differences which have arisen between the parties under a Dealership Agreement dated 20 February, 2018. There is no dispute in regard to the arbitration agreement between the parties which is contained in clause No.24 of the agreement in question. By a notice dated 23 September, 2021 the applicant had invoked the arbitration agreement.

2. Learned counsel for the respondent also fairly states that his client would not have any objection for the disputes being referred for arbitration to an arbitrator.

3. In view of such consensus between the parties and as there existed an arbitration agreement between the parties as also there is invocation of the arbitration agreement, the petition is required to be allowed. It is accordingly allowed by the following order:-

ORDER

- (i) Mr. Farhan Dubhash, Advocate of this Court, is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the Dealership Agreement dated 20 February, 2018.
- (ii) The learned sole prospective arbitrator, fifteen days before entering the arbitration reference, shall forward a statement of disclosure as per the requirement of Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996, to the Registrar (Judicial), to be placed on record of this petition with a copy to be forwarded to both the parties;
- (iii) At the first instance, the parties shall appear before the prospective arbitrator within 15 days from today on a date which may be mutually fixed by the prospective sole arbitrator;
- (iv) The parties agree that the venue of the arbitration proceedings shall be at Mumbai.
- (v) All contentions of the parties on merits of the matter are expressly kept open;
- (vi) The petition is disposed of in the above terms. No costs.
- (vii) Office to forward a copy of this order to the learned Arbitrator on the following address:

“Mr.Farhan Dubhash, Advocate of this Court,
address: 105, Bhagyoday, 1st Floor, 79, N.M. Road,
Nagindas Master Road, Fort, Mumbai-400 023.”

[G.S. KULKARNI, J.]