

Prajakta Vartak

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION APPLICATION NO. 60 OF 2020**

Savla Buildwell LLP

..Applicant

Vs.

Rushi Chintaman Mali

..Respondent

Mr. Rishikesh Soni i/b. Ashok Purohit & Co. for Applicant.

Mr. Makarand Raut for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : JUNE 06, 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 applicant has prayed for appointment of an arbitral tribunal for adjudication of the disputes and differences which have arisen between the parties under a Joint Development Agreement dated 14 September, 2012. The arbitration agreement between the parties is contained in clause 47 of the agreement in question on which there is no dispute. There is also no dispute on the invocation of the arbitration which is by the applicant’s advocate’s notice dated 16 November, 2018.

2. Learned counsel for the respondent would fairly state that his client would not have any objection for the disputes and differences between the parties to be referred for arbitration.

3. In view of the consent of the respondent and considering that there is no dispute on the arbitration agreement and invocation of the arbitration, the present application is required to be allowed by

exercising jurisdiction under Section 11(6) of the Act. Hence, the following order:-

ORDER

- (i) Ms.Dipti Panda, Advocate of this Court is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the Joint Development Agreement dated 14 September, 2012;
- (ii) The learned prospective sole arbitrator, before entering the 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 Prothonotary & Senior Master of this Court, to be placed on record of this application with a copy to be forwarded to both the parties;
- (iii) The fees payable to the arbitral tribunal shall be as prescribed under the Bombay High Court (Fees Payable to Arbitrators) Rules, 2018.
- (iv) 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;
- (v) All contentions of the parties are expressly kept open;
- (vi) The application 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:

“Add. 123, 3rd Floor, 24-B, Rajabahadur Mansion, Ambalal Doshi Marg, Fort, Mumbai – 400 001.
Contact No. 022-49721742 ”.

[G.S. KULKARNI, J.]