

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMMERCIAL ARBITRATION APPLICATION NO. 118 OF 2020

Sterling Signature Senior Care Pvt. Ltd. .. Applicant
Vs.
Gagan Lifespace .. Respondent

Ms. Vijaya Ingule i/b. Sean Wassoodew for the applicant.
Mr. Abhishek Sawant a/w. Ms. Vaishali Sanghavi, Mansi Solanki i/b.
Ameet Mehta for Solicis Lex for the respondent.

CORAM : G.S. KULKARNI, J.
DATE : JULY 5, 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 to adjudicate the disputes and differences between the parties, which have arisen under the Management Agreement dated 16 September, 2017. An arbitration agreement between the parties is contained in Section 1801 of the Agreement. There is no dispute on the existence of the Arbitration agreement.

2. Learned counsel for the respondent, on instructions, would state that his client has no objection for referring the disputes by appointing an arbitral tribunal.

3. As there is no dispute in regard to the existence of arbitration agreement as also on invocation of arbitration agreement, the application would be required to be allowed. Hence, the following order:

ORDER

- (i) Mr. Rakesh Reddy, Advocate is appointed as a sole arbitrator to adjudicate the disputes between the parties which have arisen under the Management Agreement dated 16 September, 2017.
- (ii) The learned sole arbitrator, 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 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) At the first instance, the parties shall appear before the prospective arbitrator within 10 days from today on a date which may be mutually fixed by the learned sole arbitrator;
- (iv) The fees payable to the arbitral tribunal shall be as prescribed under the Bombay High Court (Fees Payable to Arbitrators) Rules, 2018.
- (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:

Mr.Rakesh N. Reddy, Advocate of this Court,
Add: "Rajgir Chambers, Office No.63,
7th Floor, Opposite Old Customs House,
Fort, Mumbai – 400 001."
Mobile No. 9833311086
E-mail: rakeshreddy121@gmail.com

[G.S. KULKARNI, J.]