

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

COMMERCIAL ARBITRATION APPLICATION NO.71 OF 2022

Health India Insurance TPA Services Pvt.Ltd. ..Applicant.
Vs.
Eicore Technologies Pvt.Ltd. ..Respondent

Mr.Manoj Agiwal, for the Applicant.

Mr.Ashwin Bhadang with Mr.Uttam S. Rane, for the Respondent.

CORAM : G.S. KULKARNI, J.
DATE : JUNE 20, 2022.

PC.:

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 Master Services Agreement dated 4 October 2019.
2. There is no dispute in regard to the arbitration agreement which is contained in Clause 20 of such agreement. There is no dispute on the existence of the Arbitration agreement.
3. The applicant by its advocate's letter dated 20 October 2021 had invoked the arbitration agreement, whereby a request was made to the respondent to refer the disputes in regard to the compensation as also a claim for interest due and payable to the applicant, by appointing an arbitral tribunal. The name of the proposed arbitrator was also set out in the said letter.

4. Learned counsel for the respondent has fairly stated that his client would not have any objection for referring the disputes by appointing an arbitral tribunal.

5. In view of consensus between the parties as noted above and as there exists an arbitration agreement between the parties, as also this Court would have jurisdiction to entertain this application as the venue of the arbitration as agreed between the parties is at Mumbai, the application is required to be allowed. Hence, the following order:

ORDER

(i) Mr.Justice Abhay M. Thipsay, Former Judge of this Court, is appointed as a sole arbitrator to adjudicate the disputes between the parties which have arisen under the Master Services Agreement dated 4 October 2019.

(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) The fees payable to the arbitral tribunal shall be the fees 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 10 days from today on a date which may be mutually fixed by the learned 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:

**Mr.Justice Abhay M. Thipsay
9, "Smriti" DR. Ambedkar Road,
Khar, Mumbai 400052.
Mobile – 9892349775 /022-26000161.**

[G.S. KULKARNI, J.]