

Prajakta Vartak

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

COMM. ARBITRATION APPLICATION NO.87 OF 2021

Bhumi Warehouse Pvt. Ltd. ..Applicant
Vs.
Aruna Manoj Vora & Anr. ..Respondents

Mr. Harjot with Mr. Dhaval Visawadia for Applicant.
Mr. Yash Kataria i/b. Divekar & Company for Respondents.

CORAM : G.S. KULKARNI, J.
DATE : MARCH 07, 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 which have arisen between the parties under an Agreement for Sale dated 23 November, 2017. The arbitration agreement is contained in clause 19 on which there is no dispute. The parties had initially made an attempt to resolve the disputes, however, they have failed.

2. Learned counsel for the respondents considering the correspondence between the parties and the invocation of the arbitration agreement by the applicant’s advocate’s notice dated 31 December, 2020, also does not have any objection for appointment of an arbitral tribunal to adjudicate the disputes between the parties.

3. In the above circumstances, the application is required to be allowed. It is accordingly allowed by the following order:-

ORDER

- (i) Ms. Manjiri Shah, Advocate of this Court, is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the Agreement for Sale dated 23 November 2017;
- (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:

“Ms. Manjiri Shah, Advocate,
203, Rehman House, Nadirsha Kukhiya Street,
Fort, Mumbai – 400 001.
Mobile No. 9821115928
E-mail: manjaridshah@gmail.com ”

[G.S. KULKARNI, J.]