

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

ARBITRATION APPLICATION NO. 130 OF 2021

Archon PowerInfra India Pvt. Ltd. ..Applicant
Vs.
Hindustan Petroleum Corporation Ltd. ..Respondent

Mr. Kumar Tolani for Applicant.

Mr. Vijay Purohit, Mr. Faizan Mithaiwala and Mr. Virendra Vikram
i/b. P & A Law Offices for 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 whereby the applicant has prayed for appointment of arbitral tribunal for adjudication of the dispute and differences which have arisen between the parties under the Purchase Order No.16000149-OQ-12001/OP for Plant Shed Building for its LPG Plant at Panagarh in West Bengal and letter of intent dated 16 September 2016. The arbitration agreement is contained in Clause 14 which is not in dispute. There is also an invocation of the arbitration agreement by the applicant's advocate by letter dated 1 January 2020.

2. Learned Counsel for the respondent has fairly stated that his client would not have any objection for the disputes and differences be referred to arbitration. In view of the above circumstances, following order is passed:

ORDER

(i) Mr. Piyush Raheja, Advocate of this Court, is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties

under the Purchase Order No.16000149-OQ-12001/OP for Plant Shed Building for its LPG Plant at Panagarh in West Bengal and letter of intent dated 16 September 2016;

(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 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 15 days from today on a date which may be mutually fixed by the prospective sole arbitrator;

(iv) All contentions of the parties on merits of the matter are expressly kept open;

(v) The fees payable to the arbitral tribunal shall be the fees as prescribed under the Bombay High Court (Fees payable to arbitrators) Rules, 2018;

(vi) The fees of the arbitral tribunal shall be shared by the parties in equal proportion;

(vii) The application is disposed of in the above terms. No costs.

(viii) Office to forward a copy of this order to the learned Arbitrator on the following address:

“3rd Floor, Behramji Mansion,
Fort, Mumbai.
E-mail: rahejapiyush@gmail.com
Mobile: 9833385901

(G.S.Kulkarni, J.)