

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

COMMERCIAL ARBITRATION APPLICATION (L.) NO. 9449 OF 2022

RM Controls Pvt. Ltd. ..Applicant
Vs.
Belectric Photovoltaic India Pvt. Ltd. ..Respondent

**AND
ARBITRATION APPLICATION NO. 102 OF 2022
(Not on board. Taken on board.)**

Belectric Photovoltaic India Pvt. Ltd. ..Applicant
Vs.
RM Controls Pvt. Ltd. ..Respondent

Mr. Malhar Zatakia with Mr. Paras Oza i/b. Mr. S. Venkateshwar for
Applicant.
Mr. Rehmat Lokhandwalla i/b. Pan India Legal Services LLP for
Respondent.

**CORAM : G.S. KULKARNI, J.
DATE : JUNE 29, 2022.**

P.C.:

1. These are the cross applications filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, “the Act”) whereby the parties are before the Court praying that the disputes and the differences which have arisen between the parties under a Term Sheet for supply of 800 V LT Panels dated 07 July, 2020 be referred for adjudication by appointing an arbitral tribunal. Thus, there is claim or counter-claim depending on who is the first party raising the dispute. The arbitration agreement is contained in clause 11 of the agreement in question.

2. The parties are agreeable that a sole arbitrator be appointed to

adjudicate the disputes and differences between the parties. The arbitration agreement provides that the arbitration proceedings take place at Mumbai. This Court also would have jurisdiction to entertain this application. Both the parties are before the Court. There is no dispute on the invocation of the arbitration agreement by the parties against each other. The applications are hence required to be allowed.

3. The applications are accordingly allowed by the following order:-

ORDER

- (i) Mr. Nirman Sharma, Advocate of this Court, is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the Term Sheet for supply of 800 V LT Panels dated 07 July, 2020.
- (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 these applications 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 10 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 applications are 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:

“Address: 10, Commerce House, Off. Nagindas Master Road,
Mumbai – 400 001.
C/o. Chambers of Sharan Jagtiani, Senior Advocate

Ground Floor, Oval House, Off. Nagindas Master Road
Mumbai – 400 001.

Mobile No. 9819932498

E-mail ID - nirman.sharma@gmail.com”.

[G.S. KULKARNI, J.]