

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

ARBITRATION APPLICATION NO. 174 OF 2021

August Lighting Industries	..Applicant
Vs.	
Varad Vinayak Agencies	..Respondent

Ms. Ami Parekh with Ms. Archana Uppuluri i/b. Ami Parekh for Applicant.

Mr. Shrey F. with Mr. Vaibhav Warerkar, Mr. Toufiq Kapadia i/b. M. Mulla Associates for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : JUNE 06, 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 for adjudication of the disputes which have arisen between the parties under a Leave and Licence Agreement dated 01 August, 2019. The arbitration agreement between the parties is contained in clause 31 of the agreement in question on which there is no dispute.

2. Learned counsel for the respondent fairly states that his client would not have any objection for the disputes and differences to be referred for arbitration, however, keeping open all contentions of the respondent.

3. In view of the fair stand as taken on behalf of the respondent, the present application would be required to be disposed of by appointing an arbitral tribunal. Hence the following order:-

ORDER

- (i) Mr. Anil Mehta, Advocate of this Court, is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the Leave and Licence Agreement dated 01 August, 2019;
- (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:

“address: Prakash Chamber, Chamber No.1, Mezanine Floor,
77, Nagindas Master Road, Fort, Mumbai – 400 023.

Contact No. 9820166852 / 022-66353112. ”

[G.S. KULKARNI, J.]