

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

ARBITRATION APPLICATION NO. 171 OF 2021

Nielsen (India) Pvt.Ltd.

...Applicant

vs.

Saubhagya Estates Pvt.Ltd.

...Respondent

Mr.Raejsh Shah with Mr.B.G. Saraf for Applicant.

Mr.Jugal Haria i/b. Unison Legal for Respondent.

CORAM : G. S. KULKARNI, J.

DATED : 4 MAY 2022

P.C. :

. This is an application filed under Section 11 of the Arbitration and Conciliation Act, 1996 whereby the Applicant has prayed for appointment of an arbitral tribunal for adjudication of the disputes and differences, which have arisen between the parties under the leave and license agreement dated 23 September 2019. The arbitration agreement is contained in clause no.17.11 of the said agreement. There is no dispute in regard to the substance of the arbitration agreement. Also there is no dispute on the invocation of the arbitration agreement.

2. Learned Counsel for the Respondent states that his client would not have any objection for the disputes to be referred for adjudication by appointing an arbitral tribunal.

3. In view of the consensus between the parties, the application would be required to be disposed of as the requirements of this Court to exercise Section 11(6) of the Arbitration and Conciliation Act are eminently

present.

4. Hence, the following order:

ORDER

(i) Ms.Ayesha Damania, Advocate of this Court, is appointed as a sole arbitrator to adjudicate the disputes between the parties which have arisen under the Agreement dated 23 September 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) 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;

(iv) The fees payable to the arbitral tribunal shall be as prescribed under the Bombay High Court (Fees Payable to Arbitrators) Rules,2018 and shall be borne by the parties in equal proportion;

(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.Ayesha Damania, Advocate,
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K. Dubhash Marg,
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(G.S. KULKARNI, J.)