

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****COMM. ARBITRATION APPLICATION NO.16 OF 2021**

Kanhaiyalal Jivaraj Suchak

..Applicant

Vs.

Smaaash Entertainment Pvt.Ltd.

..Respondent

Ms.Sapna Datt i/b. S.P.Kanuga, for the Applicant.

Mr.Onaseen D'Souza i/b. SGT Associates, for the Respondent.

CORAM : G.S. KULKARNI, J.**DATE : FEBRUARY 22, 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 seeks appointment of an arbitral tribunal. It is the case of the applicant that the disputes and differences have arisen between the parties under the agreement dated 4 July 2016 which was for providing catering services by the applicant to the respondent. There is no dispute in regard to the arbitration agreement between the parties as contained in clause No.9 of the agreement in question. By a letter dated 22 July 2020, the Advocate for the applicant had called upon the respondent to refer the disputes and differences in regard to the claim of the applicant, for arbitration, as the such request was not accepted, the present application is filed.

2. After this application was heard for sometime, learned Counsel for the respondent submits that his client would not have any objection for the disputes be referred for arbitration by a sole arbitrator. In the above circumstances, the application can be disposed of by the following order:-

ORDER

- (i) Mr. Jamsheed K. Master, Advocate of this Court, is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the agreement dated 4 July 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 10 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 application is disposed of in the above terms. No costs.
- (vi) Office to forward a copy of this order to the learned Arbitrator on the following address:

**“Mr. Jamsheed K. Master, Advocate,
C/o. Chamber of Mr. D. D. Madon Sr. Advocate,
2nd Floor, Jeroo Building, 137 M. G. Road,
Fort, Mumbai – 400 001.
Tel.: 22651102/22694012,
Mobile : 9820840010,
Email : masterjamsheed@gmail.com”**

[G.S. KULKARNI, J.]