

Prajakta Vartak

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

COMMERCIAL ARBITRATION APPLICATION NO. 246 OF 2021

Ms. Divya T. Narasimhaiah ..Applicant
Vs.
Manoj Javeri Stock Broking Private Ltd. ..Respondent

Mr. Siddhesh Bhole with Mr. Varad Achwal i/b. SSB Legal & Advisory for
Applicant.

**CORAM : G.S. KULKARNI, J.
DATE : MARCH 25, 2022.**

P.C.:

1. This application was filed with a companion application (Commercial Arbitration Application No.238 of 2021, Ananth Pai Kalsank Vs. Manoj Javeri Stock Broking Private Ltd.) which was also filed against the present respondent. An affidavit of service is placed on record. In the said companion matter the Court has observed that the respondent despite service as also a notice by publication was not represented. It is also stated by learned counsel for the applicant that the registered office of the respondent is locked and the Directors of the respondent are not available.

2. Learned counsel for the applicant would submit that the present proceedings are identical to the proceedings of Ananth Pai Kalsank Vs. Manoj Javeri Stock Broking Private Ltd. There is a similar arbitration agreement between the parties as also a lawful invocation by the applicant's notice dated 6 September, 2021. In my opinion, in these circumstances, this application is also required to be allowed by accepting the affidavit of service as placed on record. Hence the following order:-

ORDER

- (i) Mr. Justice S. J. Kathawalla (Retd.) is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the Agreement dated 18 April, 2018.
- (ii) The learned prospective 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:

““Present Address: Flat No.7, Rocky Hill Complex, Narayan Dabholkar Road, Malabar Hill, Mumbai – 400 006.

Permanent Address: Flat No.103, 10th Floor, 68-A Brij Kutir, Rungta Lane, Opp. Regency Hotel, Nepean Sea Road, Mumbai – 400 006.

Mobile No. 09619180563

E-mail: skathawalla@gmail.com”.

[G.S. KULKARNI, J.]