

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION APPLICATION NO. 409 OF 2019

Sea Glimpse Investments Pvt. Ltd. ... Applicant
vs.
Ark Hospitality and 3 Ors. ... Respondents

Mr. Sumit Raghani and Mr. Darshil Thakkar i/b. M/s. Agrud Partners of the Applicant.

Mr. Raghuvanshi a/w. Mr. Bharat Mirchandani i/b. Mr. Manoj Mirchandani for the Respondents.

CORAM : A. K. MENON, J.

DATED : 14th FEBRUARY, 2022

P.C. :

1. This is an application filed under Section 11 of the Arbitration and Conciliation Act. 1996. Disputes and differences have arisen between the applicant and the respondents pursuant to an agreement dated 16th November, 2017 copy of which is at Exhibit A to the application. The agreement is not disputed. Although the arbitration clause at 9(c) contemplates appointment of one arbitrator by each party and the two arbitrators so appointed to appoint the presiding arbitrator, there is no agreement between the nominees as to appointment of presiding Arbitrator.

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2. When the matter is called both learned counsel state that considering the impasse, reference may be made to a Sole Arbitrator. By consent both sides submit that reference be made to Mr. Sandeep Bhagwat, Advocate of this Court. Accordingly, I pass the following order :

(i) By consent Mr. Sandeep Bhagwat, Advocate is appointed as Sole Arbitrator to adjudicate upon claims and counter claims, if any.

(ii) The learned Arbitrator is requested to file his disclosure statement under section 11(8) and Section 12(1) within three weeks with the Prothonotary and Senior Master and provide copies to the parties.

(iii) Parties to appear before the Sole Arbitrator on a date to be fixed by him at his earliest convenience.

(iv) Fees payable to the Sole Arbitrator will be in accordance with the Bombay High Court (Fee Payable to the Arbitrators) Rules, 2018.

(v) Application is disposed in the above terms.

(A. K. MENON, J.)