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

COMM. ARBITRATION PETITION NO. 83 OF 2022

Shekhawati Enterprises

... Petitioner

Versus

TATA Motors Limited

... Respondent

Mr. Zain Mookhi a/w Mr. Manish G. Varma, Ms. Surbhi Soni, Mampy Karmakar i/by MGV & Associates for the Petitioner.

Mr. Vaibhav Charalwar a/w Mr. Dnyaneshwar Kale i/by Abhineet N. Pange for the Respondent.

CORAM: G. S. KULKARNI, J.

DATE : 31st MARCH, 2022

P.C. :-

. This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (for short 'the said Act') whereby the petitioner has prayed for interim measures pending the arbitral proceedings. Disputes and differences between the parties have arisen under the Letter of Intent dated 24th August, 2018 and Letter Recalling the Letter of Intent dated 13th July, 2021. After the petition was heard for sometime, learned counsel for the petitioner states that the petitioner is agreeable for the disputes and differences between the parties being referred to arbitration by appointing an arbitral tribunal. Learned counsel for the respondent on instruction would not be averse to such contention as urged on behalf of the petitioner.

2. In view of the consensus between the parties, this petition can be conveniently disposed of, hence the following order :-

ORDER

- (a) Ms. Gulnar A. Mistry, Advocate of this Court is appointed as a sole arbitrator to adjudicate the disputes under the Letter of Intent dated 24th August, 2018 and Letter Recalling the Letter of Intent dated 13th July, 2021.
- (b) 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 by email id - rgpsm-bhc@nic.in, to be placed on record of this petition with a copy to be forwarded to both the parties.
- (c) 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.
- (d) This petition filed under section 9 of the Act along with the pleadings shall be treated as an application under section 17 of the Act to be adjudicated by the arbitral tribunal.
- (e) All contentions of the parties are expressly kept open.
- (f) The fees payable to the arbitral tribunal shall be the fees as prescribed under the Bombay High Court (Fees Payable to Arbitrators) Rules, 2018.
- (g) The petition is disposed of in the above terms. No costs.

- (h) Office to forward a copy of this order to the learned Arbitrator on the following address:

1st Floor, Ramnimi,
Cawasji Patel Street,
Fort, Mumbai 400 001.
email ID : mistry.gulnar@gmail.com

[G. S. KULKARNI, J.]