

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMM. ARBITRATION APPLICATION NO.314 OF 2021

Admirecon Infrastructure Pvt.Ltd. ..Applicant

Vs.

Shankar Sagar Co-op.Hsg.Society. ..Respondent

Mr.Ajinkya Kurdukar with Mr.H.A.Khan, for the Applicant.

Mr.Ajay Basutkar with Flavia Fernandes, 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 ‘Articles of Agreement’ dated 11 January 2016. There is no dispute in regard to the existence of an arbitration agreement between the parties as contained in clause No.10 of the agreement in question. By a notice dated 31 March 2021 the applicant had invoked the arbitration agreement and had sought appointment of an arbitral tribunal. As the respondent has not concurred, the present application has been filed.

2. After this application was heard for sometime, learned Counsel for

the respondent fairly states that his client would not have any objection for the disputes be referred for arbitration. In the above circumstances, the application is accordingly disposed of. Hence, the following order:-

ORDER

- (i) Mr.Amol Shetgiri, Civil Engineer & Architech, is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the 'Articles of Agreement' dated 11 January 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 15 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 fees payable to the arbitral tribunal shall be the fees as prescribed under the Bombay High Court (Fees payable to arbitrators) Rules,2018;
- (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:

Mr.Amol Shetgiri, Civil Engineer & Architect
M/s.Shetgiri & Associates.
Add: Safalya, first floor, S.K.Bole Road,
Near Portuguese Church,
Dadar (W), Mumbai-400028.
Tel.No. 24223900
Mob. 9821138367
Email: shetgiri@shetgiriassociates.in
shetgiriassociates@gmail.com

[G.S. KULKARNI, J.]

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Date:
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