

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

COMMERCIAL ARBITRATION APPLICATION NO.461 OF 2019

Mohammed Azhar Bhati

.. Applicant

v/s.

M/s. Shree Sai Consultants

.. Respondent

Mr. Sarosh Mohammed i/b. M/s. Praxis Legal for the applicant.

Mr. Rajiv N. Narula, a/w Ms. Mahek Chowdhary & Tarang Jagtiani i/b.
M/s. Jhangiani Narula and Associates for the respondent.

CORAM : A. K. MENON, J.

DATED : 24TH JANUARY, 2022.

(THROUGH VIDEO CONFERENCE)

P.C. :

1. By this application, the applicant and a party to a contract dated 22nd March, 2016 is carrying on business in the name and style of Tech Vision Realtor's has invoked the arbitration agreement embodied in the contract being clause no.13 which contemplates reference to a dispute to arbitration.
2. Pursuant to the invocation of arbitration vide letter dated 31st July, 2019, the respondents vide their letter dated 26th August, 2019 have themselves suggested three names so that any one of those

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persons can be appointed as Sole Arbitrator. It appears that the applicant then did not agree to any of these names. Hence, this application came to be filed.

3. At the hearing, the learned counsel, on instructions of their respective clients, state that the disputes between them may be referred to a Sole Arbitrator.

4. Accordingly, by consent of parties, I pass the following order;

(i) Mr. Aseem Naphade, 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 four 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 as per his earliest convenience.

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

(v) Arbitration Application is disposed in the above terms.

(A. K. MENON, J.)