

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

ARBITRATION APPLICATION NO.359 OF 2018

Rugamani Chidambaram Iyer .. Applicant

v/s.

Bhagwan Balkrishna Kor .. Respondent

Mr. Manoj Prajapati a/w Ms. Pooja Tripathi i/b. Mohit Gadkari & Co. for
the applicant.

Mr. Dushyant Pagare for the respondent.

CORAM : A. K. MENON, J.

DATED : 10TH JANUARY, 2022.

(THROUGH VIDEO CONFERENCE)

P.C. :

1. This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of a Sole Arbitrator. The agreement is dated 11th March, 2015. There is no dispute that the agreement has been executed and that agreement contains an arbitration clause. The arbitration clause is to be found in paragraph 5 of the agreement and it provides for appointment of the Sole Arbitrator selected by the party of the second part viz. the present applicant. That in my view is not

permissible under the Scheme of the Act and hence, the appointment will have to be made by consensually parties or by the court.

2. Mr. Pagare on behalf of the respondent seeks to oppose the application. There is no affidavit in reply. Today, Mr. Pagare seeks time to file a reply. I am not inclined to grant any further time in this application which is pending since 2018. In view of the fact that disputes have already arisen and the demand has been made invoking arbitration vide letter dated 16th March, 2016, copy of which is at Exhibit 'B'. I am of the view that the Sole Arbitrator is required to be appointed. Considering that the claim is under Rs.20 lakhs, it is appropriate that the Advocate of this court is appointed as Arbitrator from the panel of Advocates maintained by the registry.

3. In view thereof, I pass the following order;

(i) Mr. Y.P. Deshmukh, Advocate, is appointed as Sole Arbitrator to adjudicate the disputes between the parties.

(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 at his earliest convenience. This preliminary meeting may be

held via Video Conference.

(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.

(vi) No costs.

(A. K. MENON, J.)