

Prajakta Vartak

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.48 OF 2020**

Ramakrishna A. Chatra	..Applicant
Vs.	
Supreme Nonwoven Industries Pvt. Ltd.	..Respondent

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Mr.Sankalpa Rajpurohit for Applicant.
Mr.Karansing Shekhawat for Respondent.

**CORAM : G.S. KULKARNI, J.
DATE : APRIL 28, 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 has prayed for appointment of an arbitral tribunal to adjudicate the disputes and differences which have arisen between the parties under a Contract of Employment dated 10 December, 2016. The arbitration agreement is contained in clause 21(d) of the contract in question. The arbitration agreement is not in dispute as also its invocation.

2. Learned counsel for the respondent would fairly state that an endeavour was made to resolve the disputes between the parties, however, the disputes could not be resolved. He states that the respondent is hence ready for the disputes to be referred to adjudication by an arbitral tribunal. Learned counsel for the respondent would also submit that a time gap be kept open for the parties to reach an amicable settlement of the disputes and thereafter the arbitral tribunal can enter reference. The suggestion in the facts and circumstance of the case is required to be accepted.

3. In view of such consensus between the parties for reference of the disputes to arbitration by appointing an arbitral tribunal, the application

can be disposed of. Hence, the following order:-

ORDER

- (i) Mr. Suresh S. Pakale, Advocate of this Court, is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the Contract of Employment dated 10 December, 2016;
- (ii) The learned prospective sole arbitrator shall enter the reference after two months from the date of this order.
- (iii) The learned prospective sole arbitrator, before entering the 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;
- (iv) The fees payable to the arbitral tribunal shall be as prescribed under the Bombay High Court (Fees Payable to Arbitrators) Rules, 2018.
- (v) At the first instance, the parties shall appear before the prospective arbitrator within 15 days from the date of entering the reference by the learned sole arbitrator on a date which may be mutually fixed by the prospective sole arbitrator;
- (vi) All contentions of the parties are expressly kept open;
- (vii) The application is disposed of in the above terms. No costs.
- (viii) Office to forward a copy of this order to the learned Arbitrator on the following address:

“Address: 10, Veer Nariman Road, Elphinstone Bldg., Fort,
Mumbai – 400 001.
Contact No. 8104833939
E-mail – suresh_pakale@yahoo.com”.

[G.S. KULKARNI, J.]