

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

ARBITRATION APPLICATION NO. 66 OF 2020

Entertainment Network (India) Ltd.

...Applicant

Vs.

Media Edge Cia India Pvt. Ltd

..Respondent

Mr. P Ranjan i/b. Halai & Co. for Applicant.

Ms. Nirali Shah i/b. Dua Associates AOR for Respondent No.1.

CORAM : G.S. KULKARNI, J.

DATE : JUNE 21, 2022.

PC.:

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 which have arisen between the parties under a Release Order dated 1 September, 2017. There is no dispute in regard to the arbitration agreement between the parties which is contained in clause 29 of the said release order setting out terms and conditions of the contract.

2. Learned counsel for the respondent would not dispute the existence of the arbitration agreement, also there appears to be no dispute on the invocation of the arbitration agreement which is by the applicant's advocate's letter dated 30 September, 2019 and as the respondent has not consented for appointment of an arbitrator as nominated by the applicant, the present application has been filed.

3. In the above circumstances, the Court certainly needs to exercise its jurisdiction under Section 11(6) of the Act and appoint an arbitral

tribunal. Hence, the following order:-

ORDER

- (i) Mr. Anupam Surve, Advocate of this Court, is appointed as a sole Arbitrator to arbitrate the disputes and differences between the parties under the Release Order dated 1 September, 2017.
- (ii) 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;
- (iii) The fees payable to the arbitral tribunal shall be as prescribed under the Bombay High Court (Fees Payable to Arbitrators) Rules, 2018.
- (iv) 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;
- (v) All contentions of the parties are expressly kept open;
- (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:

“Address: D-1, Jeevan Jyot, 1st Floor, 18/20 Cawasji Patel
Street, Fort, Mumbai – 400 001.

Mobile No. 981985561

E-mail: anupamsurve@gmail.com”

[G.S. KULKARNI, J.]