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IN THE HIGH COURT OF BOMBAY AT GOA
APPLICATION FOR APPOINTMENT OF ARBITRATOR
NO. 23 OF 2022

JOSE FILIPE PEGADO BRAGANZA
AND 3 ORS. ... APPLICANTS
VS
UNITY TECH CONSULTANTS THR.
ITS PARTNERS AND 2 ORS. ... RESPONDENTS

Mr. Nikhil Pai, Advocate for the Applicants.

Mr. V. Braganza, Advocate for the Respondents.

CORAM: B.P. COLABAWALLA, J.

DATED: 23rd FEBRUARY 2023

ORAL ORDER:

1. The above Application is filed under Section 11 of the Arbitration and Conciliation Act, 1996 [for short “the Arbitration Act”] seeking the constitution of the Arbitral Tribunal to decide the disputes and differences between the Applicants and the Respondents arising out of an Indenture of Lease dated 26.06.2018.

2. Both the parties before me, on instructions, have agreed that there is a valid and binding arbitration clause between the parties as reflected in clause 14 of the Indenture of the Lease and neither party is disputing the existence or validity of said clause.

3. It is further stated before me that the parties have agreed that Mr. Vivek Rodrigues, an Advocate of this Court, be appointed as the Sole Arbitrator to adjudicate the disputes and differences between the parties under the Indenture of Lease dated 26.06.2018.

4. In these circumstances, the following order is passed :-

- (a) Mr. Vivek Rodrigues, an Advocate of this Court, having Mobile No. 9822584949 and e-mail ID rodrigues.vivek@gmail.com, is appointed as the Sole Arbitrator to decide upon the disputes and differences between the Applicants and the Respondents arising out of and/or in connection with and/or in relation to the Indenture of Lease dated 26.06.2018. The parties have agreed that even the counterclaim of the Respondents, if any, arising out of and/or in connection and/or in relation to the said Indenture of Lease shall be decided by the said Sole Arbitrator.
- (b) A copy of this order will be communicated to the learned Sole Arbitrator by the Advocate for the Applicants within a period of one week from today.
- (c) The learned Sole Arbitrator is requested to forward his Statement of Disclosure under Section 11 (8) read with Section 12 (1) of the

Arbitration Act to the Advocate for the Applicants so as to enable him to file the same in the Registry of this Court. The Registry of this Court shall retain the said Statement on the file of this Application and a copy of the same shall be furnished by the Advocates for the Applicants to the Advocates for the Respondents.

- (d) The parties have agreed that the Sole Arbitrator shall charge his fees as per the 4th Schedule of the Arbitration and Conciliation Act, 1996 read with the Bombay High Court (Fee payable to Arbitrators) Rules, 2018. The parties have further agreed that all the arbitral costs and the fees of the Arbitrator will be borne by the Applicants on the one hand and the Respondents on the other, equally, and will be subject to the final Award that may be passed by the Tribunal.
- (e) The parties immediately consent to a further extension of six months to complete the arbitration, should the learned Sole Arbitrator find it necessary.
- (f) The parties have agreed that the seat of the arbitration will be in Panaji, Goa. However, it is clarified that the venue of the arbitration shall be decided by the Sole Arbitrator looking to the convenience of the parties as well as his own convenience.

5. The above Application is disposed of in the aforesaid terms.
However, there shall be no order as to costs.

6. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on
production by fax or email of a digitally signed copy of this order.

B.P. COLABAWALLA, J.

VAIGANKAR ESHA SAINATH
Digitally signed by
VAIGANKAR ESHA SAINATH
Date: 2023.02.24 17:30:26
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