

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION NO. 26 OF 2021

Balaso Maruti Gaikwad (Since deceased)
Through LRs. & Ors. ...Petitioners

Versus

M/s. Shetke Builders & Developers & Ors. ...Respondents

*** * ***

- Mr. Venkatesh A. Shastry, for Petitioner.
- Mr. M.G. Bagkar i/by Mr. Chetan Gajanan Patil, for Respondents.

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CORAM : MANISH PITALE, J

DATE : 17th JANUARY, 2023.

P. C. :

1. By this petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, the Petitioners have prayed for appointment of Arbitrator for resolution of disputes.

2. The learned Counsel for the Petitioners has brought to the notice of this Court the Development Agreement executed between the parties. Clause 30 of the said Agreement provides for resolution of disputes between the parties by Arbitration.

3. It appears that disputes arose between the parties and in that backdrop on 08th September, 2020, the Petitioners issued notice to the Respondents through their Advocate, invoking the Arbitration Clause. There was no response from the Respondents, necessitating filing of the present petition.

4. Although the Respondents have opposed the prayer made in the present petition, considering the fact that the Arbitrator could not be appointed as per the procedure agreed between the parties and there is no dispute about the fact that an Arbitration Clause indeed exists in the Development Agreement, this Court is inclined to exercise jurisdiction and to allow the present petition.

5. The parties are from Kolhapur, the Development Agreement was executed at Kolhapur and the subject property is also located at Kolhapur and so it would be appropriate that an Arbitrator available at Kolhapur is appointed. Accordingly, Mr. Sudhir Purushottam Kulkarni, a retired District Judge, who is available at Kolhapur, is appointed as the sole Arbitrator for resolution disputes between the parties. The details of the learned Arbitrator are as follows :

Mr. Sudhir Purushottam Kulkarni,
20, Vaibhav Housing Society, Near Shahu Toll Plaza,
Ujlaiwadi, Kolhapur - 416 004.
Mob. No. 9370521999
Email : sudhirpk21@gmail.com

6. The parties undertake to inform the learned Arbitrator immediately about the order passed today.

7. The learned Arbitrator is requested to communicate his

consent and Disclosure Statement as per Section 11(8) r/w Section 12(1) of the said Act, within four weeks to the Registrar (Judicial) of this Court.

8. The fees of the learned Arbitrator shall be as per Schedule IV to the Aforesaid Act.

9. All questions are kept open.

10. The petition stands disposed of.

(MANISH PITALE, J.)