

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

ARBITRATION PETITION NO. 127 OF 2023

M/s. Gayatri Cold Storage
Through its Authorised partner
Vijay Prakash Dhere ... Petitioner

Versus

Kolhapur Zillah Sahakari Dudh
Utpadak Sangh Ltd. ... Respondent

Mr. Yuvraj P Narvankar a/w Mayur Mohite for the Petitioner.
Mr. S.S. Patwardhan a/w Mrinal Shelar i/b Bhooshan Mandlik for the
Respondent.

CORAM : R.I. CHAGLA, J.

DATED : 14th JULY, 2023.

ORDER :

1 The learned Counsel appearing for the Petitioner on instructions states that the Petitioner will withdraw the Case No.476 of 2022 which has been filed before the Co-operative Court at Kolhapur in view of the relief sought for in the present Arbitration Petition for appointment of Arbitrator being granted. The statement is accepted.

2 In view of above statement, the Sole Arbitrator is appointed by this Court subject to keeping all rights and contentions of the Respondent open including on the issue of jurisdiction of the Arbitrator and the contention that the Co-operative Court has exclusive jurisdiction.

3 Accordingly, the following order is passed :

i) Mr. N.G. Patil, retired Principal District Judge, Kolhapur, r/o. Prajakta Hind Paradise, Near Atharv Siddhi, Tarabai, Kolhapur-416 003, (Mobile No.9420129290) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties under clause 33 of the agreement dated 01.09.2020.

ii) The venue of arbitration shall be at Kolhapur as per Clause 36 of the said agreement dated 01.09.2020.

iii) Office to inform the Sole Arbitrator regarding his appointment.

iv) The Sole Arbitrator is requested to file the Disclosure Affidavit of Arbitration under Section 11(8)(i) of the Arbitration and Conciliation Act, 1996 within a period of three weeks from the date of receipt of the notice issued by

the Registrar Judicial-I and provide copies to the parties.

v) Parties to appear before the Sole Arbitrator on the date fixed.

vi) Fees of the Sole Arbitrator will be payable in accordance with the Bombay High Court (O.S.) Rules, 2018.

vii) Arbitration Petition is disposed of in the above terms.

viii) No costs.

(R.I. CHAGLA, J.)