

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 24 OF 2022**

IREF Knowledge Services Private Limited ... Petitioner
vs.
Symbiosis Institute of Management Studies ... Respondent

Mr. Paritosh Oswal a/w. Mr. Rahul Jathar for petitioner.

Mr. Ajinkya Udane for respondent.

**CORAM : MANISH PITALE, J
DATE : 12th JANUARY, 2023**

P.C. :

. This petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, for appointment of arbitrator, in the context of the arbitration clause contained in Memorandum of Understanding dated 24th July, 2014, executed between the parties.

2. As disputes arose between the parties, by notice dated 19th September, 2021, the petitioner invoked the arbitration clause and suggested names from amongst whom, an arbitrator could be appointed.

3. On 14th October, 2021, the respondent sent a reply through its Advocates, declining to agree to the arbitration and even rejected the names proposed by the petitioner.

4. Therefore, the procedure agreed between the parties failed in appointment of arbitrator. This is a situation where this Court can clearly exercise jurisdiction under Section 11(6) of the Arbitration and Conciliation Act, 1996.

5. Although, the learned counsel appearing for the respondent submitted that the Memorandum of Understanding was no longer in existence and that therefore, the petition may not be entertained by this Court, it is found that as per the settled law, the said contention cannot be accepted. In any case, all questions can be kept open for decision of the arbitrator.

6. In view of the above, it would be appropriate to appoint an arbitrator at Pune as the Memorandum of Understanding was also executed at Pune.

7. Accordingly, Mr. R. V. Deshmukh, retired District Judge is appointed as sole arbitrator for resolution of the dispute between the parties. Details of the learned arbitrator are as follows:-

Flat No.59-1302, Future Towers,
Amanora Part Town,
Hadapsar, Pune – 411 028.
Mob.: 9423 892389

8. Parties undertake to inform the learned arbitrator immediately about the order passed today.

9. The learned arbitrator is requested to submit his consent and disclosure statement in terms of Sections 11(8) and 12(1) of the aforesaid Act within four weeks from today to the Registrar (Judicial) of this Court. The fees of the learned arbitrator shall be in terms of Fourth Schedule of the said Act.

10. All questions are left open to be decided by the learned arbitrator.

11. Petition stands disposed of in above terms.

(MANISH PITALE, J)