

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 21 OF 2021**

Jayashree Vasant Gawade	...	Petitioner
vs.		
Atul Kisanrao Girme	...	Respondent

Mr. Tejas Kapre for petitioner.

Mr. S. R. Nargolkar a/w. Mr. Arjun Kadam for respondent.

**CORAM : MANISH PITALE, J
DATE : 18th 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 arbitration clause, contained in Partnership Deed dated 18th August, 2005.

2. The petitioner claims that due to disputes arising between the parties, after issuing initial notice for resolution of dispute, on 10th November, 2020, the petitioner was constrained to issue notice, invoking the arbitration clause and also, suggesting the name of an arbitrator. The learned counsel for the petitioner submits that there was response sent on behalf of the respondent through advocate, but there was no consensus on appointment of arbitrator.

3. This Court issued notice in the present petition and the respondent has appeared through counsel. The existence of the arbitration clause is not denied and it also cannot be denied that by notice dated 10th November, 2020, the arbitration clause was invoked. The procedure agreed between the parties did not result in the appointment of arbitrator. In such circumstances, this Court is entitled to exercise jurisdiction for appointment of arbitrator.

4. In view of the above, this Court is of the opinion that since the dispute pertains to the city of Pune, it would be appropriate that an arbitrator available at Pune is appointed for resolution of disputes.

5. Accordingly, Advocate D. V. Sarolkar is appointed as the sole arbitrator for resolution of disputes between the parties. Details of the learned arbitrator are as follows:-

301, Gopalkrupa Apartment,
Revenue Colony,
Near Jangli Maharaj Temple,
Pune.
Mob.: 98220 43484

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

7. 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 as per the Fourth Schedule to the said Act.

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

9. The petition stands disposed of.

(MANISH PITALE, J)