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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.105 OF 2023

Mr. Uttam Bhiku Bhadale & Ors.

...Petitioners

Versus

Mr. Ragbir Singh Rajpal

...Respondent

Mr. Hemant Ghadigaonkar for the Petitioners.

Ms. Shruti Tulpule for the Respondent.

CORAM : R.I. CHAGLA J.

DATE : 29TH SEPTEMBER, 2023.

ORDER :

1. By this Arbitration Petition, the Petitioner is seeking appointment of the Sole Arbitrator under Section 11 of the Arbitration and Conciliation Act to resolve the dispute between the parties arising out of the Agreement-cum-Transfer of Development Rights dated 14th July, 2011 ("the said Agreement") and Supplementary Agreement dated 22nd September, 2019.

2. The learned Advocate appearing for the Petitioner has referred to the said Agreement and in particular Clause 20 thereof which provides for arbitration and venue of arbitration at Pune. He has further referred to the Notice dated 27th September, 2022,

wherein the dispute raised by Petitioner has been set out and eight days time had been given from the date of receipt of notice for the Respondent to comply with requisition mentioned in paragraph 13 of the said Notice, failing which the Petitioner shall invoke the arbitration clause.

3. Thereafter, in view of the requisition not being complied with, the Petitioner has issued Notice dated 2nd November, 2022 invoking arbitration. A reply has been addressed by the Advocate for the Respondent to the Advocate for the Petitioner dated 14th November, 2022 which is at Exhibit G to the Petition.

4. The learned Counsel for parties have agreed for appointment of Sole Arbitrator to decide the dispute arising out of the said agreement. Hence, the following order:-

(i) Shri S.R. Sathe, (Retired High Court Judge) to act as Sole Arbitrator to decide the disputes arising out of the Agreement-cum-Transfer of Development Rights dated 14th July, 2011 and Supplementary Agreement dated 22nd September, 2019.

(ii) The venue of arbitration shall be in Pune as per Clause 20 of the Agreement-cum-Transfer of Development Rights dated

14th July, 2011 and Supplementary Agreement dated 22nd September, 2019.

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

(iv) The Sole Arbitrator is requested to file his 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.]