

K.S. Jadhav

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.93 OF 2022

Vivek Jadhav s/o Panditrao Jadhav

...Petitioner

Versus

Meeta Cuisines (P) Limited & Anr,

...Respondents

Mr. Sandeep S. Ladda a/w Mr. Sarvesh Dixit and Mr. Adesh Jadhav,
Advocates for Petitioner.

CORAM : R.I. CHAGLA, J.

DATE : 28TH JUNE, 2023.

ORDER :

1. None appears for the Respondents, despite notice being issued by this Court for final disposal by 9th December, 2022. The office note shows that the Respondents have been duly served as observed by this Court on 16th January, 2023. By the said order, a last chance was given to the Respondents to appear on the adjourned date. Thereafter, the matter has come up today and none appears for the Respondents.

2. In view thereof, the Arbitration Petition is considered in absence of the Respondents.

3. By this Arbitration Petition, the Respondents have sought appointment of Arbitrator to resolve the dispute in accordance with the provision of Section 11 of the Arbitration and Conciliation Act, 1996. The Arbitration Agreement is provided for in the Investment Agreement as per Clause 3 thereof, which reads as under :

“3.GOVERNMENT LAW AND RESOLUTION OF DISPUTES :-

This document shall be governed by Laws of India, Any dispute or differences arising out of or in connection with this Agreement shall be resolved by the Senior Management of the parties or upon failure to agree, shall be resolved finally by arbitration in Pune, India and in accordance with the Rules of Indian Conciliation and Arbitration Act, 1996.”

4. Thereafter, an Arbitration notice has been issued by the Advocates for the Petitioner dated 30th November, 2021 invoking the arbitration under the said Clause 3 of the Investment Agreement. The notice has referred to the dispute between the parties and

various assurances in undertakings of the Respondents and their Senior Management Personality. However, inspite of the assurances, the Respondents have failed, omitted and neglected to refund the principal amount of Rs.35 Lakh together with interest accrued therein to the Petitioner.

5. In view thereof, the Petitioner has nominated an Arbitrator and called upon the Respondents and has intimated the nomination to the Respondents. However, there is no response to the notice invoking the arbitration. Accordingly, the present Arbitration Petition has been filed.

6. I have considered the averments in the Arbitration Petition. I am satisfied that there is an Arbitration Agreement contained in Clause 3 of the Investment Agreement dated 16th March, 2013 which has been extracted above. There have been attempts made by the Petitioner to resolve his dispute with the Senior Management of the Respondent which have been unsuccessful. Thereafter, the notice invoking arbitration dated 30th November, 2021 was issued by the Petitioner to which the Respondents have failed to respond. Accordingly, the relief sought for in Arbitration Petition is granted. Hence, the following order :

- (i) By consent, Shri Vasantrao Sitaram Munde, retired District Judge, is appointed as Sole Arbitrator to adjudicate upon the disputes and differences between the parties under the 'Investment Agreement' dated 16th March, 2013.
- ii) The venue of arbitration shall be at Pune as per the arbitration agreement / dispute resolution in Clause 3 of the 'Investment Agreement' dated 16th March, 2013.
- iii) Office to inform the Sole Arbitrator of his appointment.
- iv) The appointed Sole Arbitrator is requested to file his disclosure statement under Section 11(8) and 12(1) of the Arbitration and Conciliation Act, 1996 within a period of three weeks from the date of receipt of intimation, with the Registrar (Judicial-I) and provides copies to the parties.
- v) Parties to appear before the Sole Arbitrator on the date fixed by him.
- vi) Fee applicable to the Sole Arbitrator will be in accordance with the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.

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

viii) No costs.

[R.I. CHAGLA, J.]