

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.53 OF 2021

M/s. Sun Pharma Laboratories Limited through C.A.
Shripati Nanda ... Petitioner
Vs.
M/s. Thakur Solanky and Co. ... Respondent

Mr. Bhushan Walimbe for Petitioner.
Mr. Mohitrao J. Jadhav for Respondent.

CORAM : MANISH PITALE, J.
DATE : APRIL 13, 2023

P.C. :

. By this petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, the petitioner has prayed for appointment of an arbitrator for resolution of disputes between the parties.

2. The petition is filed on the basis of arbitration clauses contained in four work orders issued in favour of the respondent. As disputes arose between the parties, the petitioner issued notice dated 31.12.2020, referring to all the four work orders and invoked the arbitration clause, proposing the name of three advocates from amongst whom one could be appointed as an arbitrator. Admittedly, the respondent did not respond to the said notice, necessitating filing of the present petition.

3. The respondent has appeared through counsel in the present petition and does not contest the fact that there are arbitration clauses in the work orders and that there are indeed disputes between the parties. It is indicated that while the petitioner may have raised certain claims against the respondent, equally, the respondent proposes to raise certain counter-claims against the petitioner.

4. The learned counsel for the respondent, on instructions, requested

for appointment of institutional arbitrator but it was submitted that there could be no objection to a former Judge of this Court being appointed as the sole arbitrator.

5. Considering the material placed on record and in the light of the arbitration clauses which specify that the arbitration proceedings shall be conducted at Mumbai as per the provisions of the aforesaid Act, this Court is convinced that the petition deserves to be allowed. It is recorded that the parties agree for consolidation of the disputes under the four work orders to be sent for arbitration to a sole arbitrator to be appointed by this Court.

6. In view of the nature of claims raised by the petitioner and the counter-claims proposed to be raised by the respondent, this Court is of the opinion that a former Judge of this Court can be appointed as the sole arbitrator.

7. In the light of the above, Justice M. S. Sanklecha, a former Judge of this Court is appointed as the sole arbitrator for resolution of disputes between the parties. The contact details of the learned arbitrator are as follows:-

Hon'ble Mr. Justice M. S. Sanklecha
311, Churchgate Chambers,
Thakersey Road, New Marine Lines,
Behind Aaykar Bhavan, Mumbai 400 020.
Mobile - 9820065338
Email id - manojssanklecha@gmail.com

8. The parties undertake to communicate this order to the learned arbitrator immediately.

9. The learned Arbitrator is requested to communicate his consent and disclosure statement in terms of Section 11(8) and 12(1) of the Arbitration and Conciliation Act, 1996 to the Registrar (Judicial) of this

Court, within four weeks from today.

10. The fees of the learned arbitrator shall be as per Schedule IV of the Act.

11. All questions are kept open.

12. The petition stands disposed of.

(MANISH PITALE, J.)

Minal Parab