

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.116 OF 2022

Rahul Rajan	...	Petitioner
Vs.		
Terrafirma Superstruct LLP thr. Partner		
Prateet Ashit Shah and others	...	Respondents

Mr. Abhishek Srinivasan for Petitioner.

Mr. Nikhil Adkine a/w. Mr. Ashish Vaidya i/b. Mr. Seoul Shah for Respondents.

CORAM : MANISH PITALE, J.

DATE : APRIL 24, 2023

P.C. :

. By this petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, the petitioner is praying for appointment of an arbitrator for resolution of disputes between the parties. The disputes emanate from a loan agreement dated 29.08.2017 executed between the parties, containing an arbitration clause for resolution of disputes.

2. The petitioner issued notice dated 25.02.2022 to the respondents, claiming that disputes had arisen and therefore, the arbitration clause was being invoked. In fact, the petitioner also suggested the name of a sole arbitrator.

3. It is an admitted position that while respondent Nos.1 to 3 did not respond to the said notice, respondent Nos.4 and 5 did respond, but the agreed procedure for appointment of arbitrator did not result in such an appointment. Hence, this petition.

4. The respondents were served in the present petition and they have appeared through counsel.

5. Learned counsel for the respondents, on instructions, submits that they are ready for the disputes being resolved through arbitration.

6. There does not appear to be consensus between the parties on the name of the arbitrator. Considering the nature of claims of the petitioner, it would be appropriate that a former Judge of this Court, available at Pune, is appointed as the sole arbitrator.

7. Accordingly, Justice S. R. Sathe, a former Judge of this Court is appointed as the sole arbitrator. The details of the learned Arbitrator are as follows:-

Hon'ble Shri Justice S. R. Sathe
A-802, Ruturang Apartment,
Behind Paranjape School,
Kothrud, Pune - 411 038.
Tel. No.020-2539 6407

8. The parties undertake to inform the learned arbitrator at the earliest about the order passed today.

9. Learned Arbitrator is requested to submit his consent and disclosure statement in terms of Sections 11(8) read with 12(1) of the aforesaid Act within four weeks to the Registrar (Judicial) of this Court.

10. The fees of the learned Arbitrator shall be fixed in terms of the Fourth Schedule to the aforesaid Act.

11. All questions are kept open.

12. Petition stands disposed of.

(MANISH PITALE, J.)