

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.47 OF 2021

Eden Education Society, thr. President Dr. Justus
Devadhas and another ... Petitioners
Vs.
Kakade VTP Associates thr. its Partner VTP
Corporation LLP through its designated Partner
Nilesh Vilas Palresha and another ... Respondents

Mr. Dormaan Dalal for Petitioners.
Ms. Shruti Tulpule for Respondents.

CORAM : MANISH PITALE, J.
DATE : MARCH 10, 2023

P.C. :

By this petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, the petitioner is seeking appointment of an arbitrator in the context of an arbitration clause contained in a lease deed. In pursuance of disputes arising between the parties, the petitioner issued notice invoking arbitration clause on 22.07.2020. The respondents also sent notice raising certain claims against the petitioner. There was no agreement on a common name for appointment as the arbitrator.

2. Learned counsel for the parties submit that in terms of the law laid down by the Supreme Court in the case of *Vidya Drolia Vs. Durga Trading Corporation*, (2021) 2 SCC 1, such relationships between parties covered under the Transfer of Property Act would be arbitrable disputes.

3. In the light of the above, this Court finds that there is an arbitration agreement executed between the parties and there are indeed disputes that have arisen between them. Therefore, this Court is inclined

to exercise jurisdiction for appointment of arbitrator for resolution of disputes between the parties. As per clause 23 in the said document, Courts at Pune have exclusive jurisdiction, thereby indicating that the arbitration proceedings must also take place at Pune.

4. The parties agree for appointment of Justice Shalini Phansalkar-Joshi (retired Judge), a former Judge of this Court, as the sole arbitrator. Accordingly, Justice Shalini Phasalkar-Joshi is appointed as the sole arbitrator for adjudicating the disputes between the parties. The contact details of the learned Arbitrator are as follows:-

Hon'ble Smt. Dr. Justice Shalini Phansalkar-Joshi

Bungalow No.12,
Bhagya Chintamani Nagar,
Poud Road, Kothurd,
Pune-411 038.
Mob.: 9657188676
E-mail: phansalkarjoshi@gmail.com

5. The parties undertake to inform the learned Arbitrator about the order passed today.

6. Learned Arbitrator is requested to submit her 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.

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

8. All questions are kept open.

9. Petition stands disposed of.

(MANISH PITALE, J.)