

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 90 OF 2021**

M/s. Bhosale Buttepatil & Associates,

Through its Partners Mr. Dhanyakumar Bhosale & anr. ... Petitioners

vs.

Maple Ellora Developers,

Through its Partners Mr. Sachin Ashok Agarwal & anr. ... Respondents

Ms. Sampada Junnare Badar a/w. Mr. Ajinkya Badar, i/by. Avinav Rau for petitioners.

Mr. Amar Gharte for respondents.

CORAM : MANISH PITALE, J

DATE : 31st MARCH, 2023

P.C. :

. By this petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, the petitioners have prayed for appointment of sole arbitrator for resolving disputes between the parties. The petition is filed on the basis of Articles of Agreement dated 29th May, 2014. Upon disputes arising between the parties, the petitioners sent a notice dated 23rd February, 2021 to the respondents for appointment of a sole arbitrator. The name of the sole arbitrator was also proposed on behalf of the petitioners.

2. By letter dated 16th March, 2021, the respondents simply denied the assertions made by the petitioners, as a consequence of which, the agreed procedure for appointment of arbitrator failed.

3. It is in this backdrop that the petitioners have approached this Court. The respondents were served and they have appeared through counsel. It is submitted that there is no dispute about the existence of arbitration clause and the dispute appears to be about the named arbitrator, as per the notice

issued by the petitioners.

4. This Court is of the opinion that in the light of the arbitration clause contained in the Articles of Agreement and the invocation of the same by the aforementioned notice, the present petition can be allowed, so that the dispute between the parties can be resolved through the process of arbitration.

5. In view of the above, Mr. A. R. Joshi, former Judge of this Court, is appointed as the sole arbitrator. The details of the learned arbitrator are as follows:

Plot No.103, 'Chaitanya' Bungalow,
Indrayani Colony, Chakan Road,
Talegaon Dabhade, District Pune-410 506
Tel.: 23630827/236722521

6. The parties undertake to inform the learned arbitrator about the order passed today.

7. The learned arbitrator is requested to submit his consent and disclosure statement in terms of Sections 11(8) and 12(1) of the aforesaid Act within four weeks from today to the Registrar (Judicial) of this Court. The fees of the learned arbitrator shall be as per the Fourth Schedule to the said Act.

8. All questions are left open for determination by the learned arbitrator.

9. The petition stands disposed of.

Priya Kambli

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(MANISH PITALE, J)