

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 146 OF 2022

Venkateshwara Hatcheries Pvt.
Ltd. through its Mr. Ketan Ranade ...Petitioner
Vs.

Mr. Jaspreet Singh Proprietor of
M/s. Chawla Medical Hall ...Respondent

Ms. Swatantri Waghmare, for the Petitioner.
None for the Respondent.

CORAM : MANISH PITALE, J.
DATE : 7 JANUARY 2023

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. By this petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, the petitioner is seeking appointment of arbitrator in the context of Distributorship Agreement dated 9/4/2018 executed between the parties. Clause 45 of the agreement contained an arbitration clause which reads as follows:

Clause 45 : Any disputes arising out of this agreement shall be settled by arbitration by and under the rules of arbitration under The Arbitration and Conciliation Act, 1996. All proceedings in such arbitration shall be in Pune. Courts in Pune

shall alone have jurisdiction in matters involving any dispute pertaining to this agreement.

2. Disputes arose between the parties and the petitioner was constrained to invoke the arbitration clause by issuing notice dated 15/2/2022, proposing the name of a sole arbitrator.

3. There was no response to the said notice, although the notice was duly served on the respondents.

4. It is in these circumstances that the petitioner was constrained to file present petition. On 14/9/2022, this Court issued notice. Office note shows that the sole respondent has been duly served. He has chosen not to appear before this Court.

5. In these circumstances, considering the fact that the appointment of arbitrator could not take place according to the procedure agreed between the parties, this Court can exercise jurisdiction under Section 11(6) of the said Act.

6. The arbitration clause specifies that the place of arbitration would be Pune. Therefore, it would be in the interest of justice that the sole arbitrator is appointed at Pune.

7. Accordingly, Mr. J. N. Shanbhag, Former District Judge, available at Pune is appointed as the sole arbitrator. The details of the learned arbitrator are as follows :

Shri. J. N. Shanbhag

Address : 63, Navi Peth,

L.B.S. Marg, Pune 411 030.

8. The petitioner undertakes to inform the learned arbitrator immediately about the order passed today.
9. The learned arbitrator is requested to send his consent and disclosure statement as per Section 11(8) and 12(1) of the aforesaid Act, within four weeks to the Registrar (Judicial) of this Court. The fees of the learned arbitrator shall be as per schedule IV to the said Act.
10. All contentions of the parties are kept open.
11. The petition stands disposed of, in aforesaid terms.

MANISH PITALE, J.