

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION NO. 147 OF 2023

M/s. Dhruva Automation And Controls Pvt. Ltd. ... Petitioner

Versus

Omkar Mukund Pawar ... Respondent

Shrushti Tupe, Ankita Nishad, Shaheen Kapadia i/b Vrushali Maindad for
the Petitioner.

CORAM : R.I. CHAGLA, J.

DATED : 13th OCTOBER, 2023.

ORDER :

1 By this Arbitration Petition, the Petitioner is seeking appointment of Sole Arbitrator from Pune to conduct arbitration proceedings between the Petitioner and the Respondent in terms of the Arbitration and Conciliation Act, 1996 and adjudicate the disputes between the Petitioner and the Respondent arising from the Employment Agreement dated 02.01.2022 and which provides for Arbitration under clause 19.3 of the Agreement.

2 The Respondent has been served Court notice which have

been received by the Respondent. In spite of being served with notice of these proceedings, the Respondent has failed to make an appearance.

3 The Petitioner has invoked arbitration by notice dated 15.02.2023 issued to the Respondent under clause 19.3 of the Employment Agreement. The notice has not been responded to by the Respondent. In view thereof, the present Arbitration Petition has been filed.

4 There is a valid Arbitration Agreement under clause 19.3 of the Employment Agreement dated 02.01.2022 and Notice has been issued for invoking arbitration on 15.02.2023 by the Petitioner which has been received by the Respondent and despite receipt of the Notice, the Respondent has failed to respond. Further, the Respondent has not made an appearance in these proceedings despite Court Notice issued to the Respondent.

5 In view thereof, the relief sought for in the Arbitration Petition requires to be granted. Hence, the following order is passed :

- i) Shri D.K. Mulla, retired District and Sessions Judge, M-51, Forest County Housing Society, Kharadi Near Eon IT Park Kharadi, Pune – 411 014, E-mail – mulla@gmail.com is appointed as a Sole Arbitrator under clause 19.3 of the

Employment Agreement for adjudicating the disputes between the Petitioner and the Respondent.

ii) The venue of arbitration shall be in Pune.

iii) Office to inform the Sole Arbitrator regarding appointment.

iv) The Sole Arbitrator is requested to file the Disclosure Affidavit of Arbitration under Section 11(8)(i) of the Arbitration and Conciliation Act, 1996 within a period of three weeks from the date of receipt of the notice issued by the Registrar Judicial-I and provide copies to the parties.

v) Parties to appear before the Sole Arbitrator on the date fixed.

vi) Fees of the Sole Arbitrator will be payable in accordance with the Bombay High Court (O.S.) Rules, 2018.

vii) Arbitration Petition is disposed of in the above terms.

viii) No costs.

(R.I. CHAGLA, J.)