

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.171 OF 2022

Ambavi Bhanji Patel ... Petitioner
Vs.
Panorama Realty thr. its Prop. Jojimon Philip Joseph... Respondent

Mr. Viraj Kandpile for Petitioner.

Mr. Rajesh Thakur for Respondent.

CORAM : MANISH PITALE, J.

DATE : JANUARY 19, 2023

P.C. :

. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of the arbitrator in the context of an arbitration clause contained in an agreement for sale executed between the parties. As per clause 16 of the said agreement, disputes between the parties are to be resolved by referring the matter to a sole arbitrator, to be appointed with the mutual consent of the parties.

2. Upon disputes arising between the parties, by notice dated 25.04.2022, the petitioner invoked the arbitration clause. On 09.06.2022, the respondent sent a reply through advocate, claiming that arbitration could not be invoked because the booking of the subject *gala* had already been allegedly cancelled by the respondent.

3. In this backdrop, the present petition came to be filed wherein the respondent has appeared through counsel. This Court is of the opinion that merely because the respondent states that the booking of the subject *gala* stands cancelled, it cannot be said that the disputes between the parties cannot be referred to arbitration, in terms of the arbitration clause contained in the agreement for sale. Hence, this Court is exercising jurisdiction to allow the present petition.

4. The agreement was executed at Thane, pertaining to a property situated in Thane and therefore, it would be appropriate if an arbitrator available at Thane is appointed as the sole arbitrator.

5. Accordingly, Ms. Rupali S. Akolkar, Advocate available at Thane is appointed as the sole arbitrator for resolving the dispute between the parties. The details of the learned arbitrator are as follows:-

Advocate Rupali S. Akolkar

B-1407, Lotus Gawand Baug,
Near Upvan Lake, Pokhran Road No.2,
Thane (West). Mob. 98924 95581
Email: adv.rsakolkar@gmail.com

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

7. 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.

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

9. All questions are kept open.

10. Petition stands disposed of.

(MANISH PITALE, J.)

Minal Parab