

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

COMMERCIAL ARBITRATION PETITION NO. 18 OF 2023

M/s. Vedant Infracon

...Petitioner

Versus

Mr. Rohidas Tukaram Masal & Ors.

...Respondents

Mr. Vijay Upadhyay a/w Ms. Asha Kanzariya for the Petitioner.

Mr. Karan Bhosale a/w Ms. Laveena Tejawani and Ms. Ruchi Pawar
iby NDB Law for the Respondents.

CORAM : R.I. CHAGLA J

DATE : 11 October 2023

ORDER :

1. By this Arbitration Petition, the Petitioner has sought appointment of Sole Arbitrator to adjudicate the disputes between the Petitioner and the Respondents in terms of Section 11(6) of the Arbitration and Conciliation Act, 1996 under Clause 23(H) contained in the Development Agreement dated 29th December 2013.

2. The learned Counsel for the Respondents has no

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objection to the appointment of the Sole Arbitrator, as prayed for by the Petitioner.

3. The learned Counsel for the parties are agreeable for Mrs. Shalini Phansalkar-Joshi (Retired High Court Judge) to be appointed as Sole Arbitrator.

4. In view thereof, the following order is passed.:-

(i) Mrs. Shalini Phansalkar-Joshi (Retired High Court Judge) is appointed as a Sole Arbitrator to adjudicate the disputes between the Petitioner and the Respondents in terms of Section 11(6) of the Arbitration and Conciliation Act, 1996 under Clause 23(H) of the Development Agreement dated 29th December 2013.

(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) Respondents are at liberty to apply under Section 17 of the Arbitration and Conciliation Act, 1996 before the appointed Arbitrator by seeking the relief as sought in the Arbitration Petition (L) No. 28501 of 2023 (O.S.) filed under Section 9 in this Court and which shall be heard and disposed of expeditiously by the appointed Sole Arbitrator and preferably

within a period of eight weeks from filing of the Arbitration Petition.

(viii) The learned Counsel for the Respondents in view of the liberty granted, shall apply to the Bench taking Arbitration Petitions under Section 9 of the Arbitration and Conciliation Act, 1996 for withdrawal of the Arbitration Petition.

(ix) The present Arbitration Petition is accordingly disposed of in the above terms.

(x) There shall be no order as to costs.

[R.I. CHAGLA J.]