

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 122 OF 2021**

Digvijaysingh Rohidas Bhati	...	Petitioner
vs.		
G-Orbit and others	...	Respondents

Mr. Omkar Mohan Kulkarni for petitioner.

Mr. Mangesh R. Katke for respondent No.5.

**CORAM : MANISH PITALE, J
DATE : 21st MARCH, 2023**

P.C. :

. This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, for appointment of arbitrator, in the context of an arbitration clause, contained in a joint venture agreement executed between the parties, pursuant to disputes having arisen between them.

2. By notice dated 12th August, 2021, the petitioner invoked the arbitration clause, proposing appointment of arbitrator. On 23rd August, 2021, the respondents sent a reply, opposing the proposal made on behalf of the petitioner and further informing that, within the partners of respondent No.1-partnership firm, there were disputes, which needed to be resolved. As a consequence, the appointment of arbitrator, as per the agreed procedure, could not take place, necessitating filing of the present petition.

3. The respondents in this petition, have been served and affidavit of service is ready. The same be filed within one week from today.

4. The learned counsel for the petitioner states that although the notice dispatched to respondent No.12 was returned, he was earlier served and that respondent No.12 sent an e-mail, informing that he is agreeable to the appointment of arbitrator.

5. It is further submitted that in the present case, respondent No.5 is the actual contesting respondent. Mr. Katke, the learned counsel for respondent No.5 submits that the said respondent would not oppose the appointment of arbitrator, but it is pointed out that since an arbitrator is already appointed for resolution of disputes between partners of respondent No.1-firm of which, respondent Nos.2 to 5 are partners, it would be in the interest of justice that the disputes in the present case are also referred to the same arbitrator. Learned counsel for the petitioner has no objection to the aforesaid suggestion.

6. In this background, Mr. R. R. Deshmukh, retired District Judge, is appointed as arbitrator for resolution of disputes between the parties. The details of the learned arbitrator are as follows:

N-801, Park Express,
Balewadi High Street,
Near Park Grandeur,
Pune-411 045
Mob.: 94233 25090

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

8. 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.

9. All questions are left open for determination by the learned arbitrator.
10. It is clarified that the present arbitral proceeding shall be taken up as a separate proceeding by the said learned arbitrator, wherein the petitioner would be entitled to file his statement of claim, which the respondents may oppose in accordance with the law.
11. The petition stands disposed of.

(MANISH PITALE, J)

Priya Kambli