

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 195 OF 2022

Radhika Mohan Madgulkar ...Petitioner
Vs.
Prakash Krishna Ratnaparkhi and Ors. ...Respondents

Mr. Siddhartha Ronghe, for the Petitioner.
Mr. Suyog Naik, for the Respondents.

CORAM : MANISH PITALE, J.
DATE : 10 JANUARY 2023

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. The petitioner has filed present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking appointment of an Arbitrator for resolution of disputes between the parties. Upon notice being issued, all the respondents have been served. Respondent Nos.3 to 5 are represented by counsel.

2. The learned counsel for the petitioner has invited attention of this Court to arbitration clause contains in a document titled as 'Principle Compromise Terms'. The arbitration clause specifies the names of persons who would be appointed as arbitrators in case disputes arose between the parties.

3. It appears that disputes did arise between the parties and in that backdrop, on 18/7/2022, petitioner issued notice to the respondents invoking the arbitration clause.

4. In response, the respondents sent their replies indicating that they did not wish to appoint an arbitrator. Thus, the agreed procedure between the parties failed and accordingly jurisdiction of this Court is invoked in the facts and circumstances of the present case. This Court is convinced that power under Section 11(6) of the said Act can be exercised.

5. The learned counsel appearing for the respondent Nos.3 to 5 submits that he has instructions to state that the said respondents are agreeable for appointment of arbitrator. As noted above, the respondent Nos.1 and 2, despite service, are not represented through counsel before this Court.

6. It is further submitted by the learned counsel for the petitioner and the learned counsel for respondent Nos.3 to 5 that they have instructions to agree upon appointment of Mr. K. J. Paratwar, retired District Judge available at Pune, to be appointed as the sole arbitrator.

7. Accordingly, Mr. K. J. Paratwar, retired District Judge is appointed as the sole arbitrator for resolving the disputes between

the parties. The details of the sole arbitrator are as follows:

Mr. K. J. Paratwar

Address – H-404, Kumar Padmaja,

Opp. Mahesh Vidyalaya, New D. P. Road,

Kothrud, Pune – 411 038.

Phone No. 9322909779 / 9420320700

kamalchandparatwar@gmail.com

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

9. The learned arbitrator shall communicate his consent and disclosure statement as per Section 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 schedule IV to the said Act.

10. All questions of the parties are kept open.

11. The petition stands disposed of, in aforesaid terms.

MANISH PITALE, J.