

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.188 OF 2022

Anjali Vilas Sabale	...	Petitioner
Vs.		
Sandhya Pramod Mutha and others	...	Respondents

Mr. Vilas B. Tapkir for Petitioner.

Mr. Anuj Tiwari for Respondent Nos.1 to 3.

CORAM : MANISH PITALE, J.
DATE : APRIL 18, 2023

P.C. :

1. 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 an Admission-cum-Retirement Deed dated 01.07.2011.

2. There is no dispute about the fact that clause 13 of the said deed provides for resolution of disputes between the parties through arbitration. There is also no dispute about the fact that on 06.08.2022, the petitioner invoked the arbitration clause but it did not lead to appointment of arbitrator.

3. Respondent Nos.1 to 3 have appeared through counsel and although Mr. Tiwari, learned counsel appearing for the said respondents does not dispute the aforementioned facts, it is brought to the notice of this Court that considering the fact that the Admission-cum-Retirement Deed was executed at Aurangabad and the office of the partnership firm is at Aurangabad, the petition under Section 11 of the said Act for appointment of arbitrator would lie before the Aurangabad Bench of this Court.

4. Mr. Tapkir, learned counsel appearing for the petitioner submits that the Admission-cum-Retirement Deed was indeed executed at Aurangabad and the office of the partnership firm indeed is at Aurangabad but the construction activity of the firm is at Pune, which could lead to the conclusion that this Court would have jurisdiction to entertain the present petition.

5. However, this Court is convinced that in view of the aforesaid deed being executed at Aurangabad, the office of the partnership firm being at Aurangabad and considering the nature of disputes sought to be raised by the petitioner, the Aurangabad Bench of this Court would have jurisdiction to entertain the present petition.

6. Hence, without expressing any opinion on the merits of the matter, the petitioner is permitted to withdraw the present petition to file an appropriate petition before the Aurangabad Bench of this Court for consideration.

7. The petition stands disposed of accordingly.

(MANISH PITALE, J.)

Minal Parab