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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

COMM ARBITRATION PETITION NO.20 OF 2023

Dr. Dipak Suresh Patil & Ors.

...Petitioners

Versus

Dr. Pankaj Ramesh Nilpawar

...Respondent

Mr. Dhanraj Lodha for the Petitioner.

Mr. Abhijit Tikar for the Respondent.

CORAM : R.I. CHAGLA J

DATE : 14TH DECEMBER, 2023

ORDER :

1. By this Arbitration Petition, the Petitioners are seeking to refer the dispute between the parties to arbitration and for which a Sole Arbitrator is to be appointed to adjudicate upon the disputes in accordance with the provisions of the Arbitration and Conciliation Act, 1996.

2. There is a valid arbitration agreement viz. Clause 14 of the Restructured Partnership Agreement ("Agreement") dated 10th

January, 2013 under which the disputes have arisen.

3. The learned Counsel appearing for the Respondent has opposed the relief sought for on the ground that under Clause 13 of the Agreement, the partners have to give three months advance notice in writing if they want to exit the small business viz. hospital run by the partnership firm. He has submitted that three months advance written notice has not been given by the Petitioners for exiting the small business.

4. The learned Counsel for the Petitioners states that the Petitioners do not intend to exit the small business. The dispute is relating to the Respondent starting another hospital in the premises.

5. Thus, the disputes between the partners of the Partnership Firm can be adjudicated by the arbitrator appointed by this Court. The Petitioners have issued notice invoking arbitration dated 27th July, 2023. The Respondent has replied to the Notice on 10th August, 2023. Thus, there appears to be disputes between the parties to be referred to arbitration.

6. Accordingly, the following order is passed:-

(i) Shri Shrikant Sathe (Retired High Court Judge) is appointed as a Sole Arbitrator to decide the disputes between the Petitioner and the Respondent arising out of the Restructured Partnership Agreement dated 10th January, 2013.

(ii) The venue of arbitration shall be in Pune.

(iii) Office to inform the Sole Arbitrator regarding his appointment.

(iv) The Sole Arbitrator is requested to file his 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) Arbitration Petition is disposed of in the above terms.

viii) No costs.

[R.I. CHAGLA J.]