

M/s. Jain & Associates, Landscape, Architects and Ecological Planners, Through its proprietor Mr. Pankaj Jain	...	Petitioner
vs.		
Pimpri Chinchwad Municipal Corporation, Through its Additional Commissioner & anr.	...	Respondents

Mr. Rohit Sakhdeo for respondents-Corporation.

CORAM : MANISH PITALE, J
DATE : 24th FEBRUARY, 2023

P.C. :

By this petition, filed under Section 11 of the Arbitration and Conciliation Act, 1996, the petitioner is seeking appointment of sole arbitrator, in the context of Clause 12 pertaining to arbitration, in an agreement executed between the petitioner and respondent-Corporation.

2. Pursuant to disputes arising between the parties, the petitioner sent notice dated 25th March, 2022, invoking the arbitration clause. But, there was no response from the respondents, necessitating filing of the present petition.

3. In this backdrop, the respondents have appeared through counsel. The learned counsel for the respondents has relied upon a communication dated 2nd February, 2023, addressed to him, whereby the respondents have communicated their willingness for appointment of a sole arbitrator, but on the condition that the name proposed on behalf of the petitioner, may not be accepted for appointment of the sole arbitrator. Copy of the said

communication dated 2nd February, 2023, handed over by the learned counsel for the respondents, is taken on record and marked 'X'.

4. Learned counsel for the petitioner submitted that this Court may appoint an appropriate person as sole arbitrator.

5. Perusal of the arbitration clause shows that Pune is specified as the place of arbitration. Accordingly, Mr. Sudhakar Eknathrao Avhad, Advocate, practising at Pune, is appointed as the sole arbitrator. Details of the learned arbitrator are as follows:-

Office No.103, Sharmad Residency,
Shilavihar Colony, Paud Phata,
Karve Road, Erandwane,
Pune-411 038.
Mob. No.: 9822 045 791
Email: advseavhad@gmail.com

6. The petitioner undertakes to inform the learned arbitrator immediately about the order passed today.

7. 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.

8. All questions are left open for determination by the learned arbitrator.

9. The petition stands disposed of.

(MANISH PITALE, J)