

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION NO. 227 OF 2022

Sonoma Management Partners Pvt. Ltd. ...Petitioner
Vs.
Mr. Prasad Toke & Ors. ...Respondents

Mr. Shreyas Deshpande i/b. Mr. Ninad Deshpande, for the
Petitioner.
Mr. Gautam Ankhad a/w. Ms. Hiral Thakkar, for the
Respondents.

**CORAM : MANISH PITALE, J.
DATE : 3 JANUARY 2023**

P.C.

. By this petition, filed under Section 14 and 15 of the Arbitration and Conciliation Act, 1996, the petitioner is seeking termination of the mandate of the sole arbitrator appointed by order dated 6/5/2022, passed by this Court in Arbitration Petition No.104/2021.

2. This Court is not going into the details of the grounds raised in the petition while seeking termination of the mandate of the learned arbitrator, particularly for the reason that it is undisputed that the sole arbitrator appointed by this Court by the aforesaid order failed to submit disclosure affidavit in terms of

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Section 11(8) and 12(1) of the aforesaid Act, within the period of three weeks stipulated in the order dated 6/5/2022.

3. This is also one of the ground raised on behalf of the petitioner. The learned counsel for the parties verified from the learned arbitrator, who happens to be a practicing Advocate of this Court, as to whether such disclosure affidavit had been submitted. The learned counsel for the parties are informed by the learned arbitrator that the disclosure affidavit has not been filed till date.

4. Therefore, on this sole ground, the present petition deserves to be allowed. Accordingly, the petition is allowed and the mandate of the learned arbitrator appointed by order dated 6/5/2022 is terminated.

5. In this backdrop, the learned counsel for the parties submitted that a sole arbitrator may be appointed by this Court so as to facilitate the arbitration proceedings further. A joint request is made for appointing Ms. Ayushi Anandpara, Advocate practicing in this Court, as the sole arbitrator. Accordingly, Ms. Ayushi Anandpara, Advocate is appointed as the sole arbitrator for resolving the disputes between the parties.

6. The details of the learned arbitrator are as follows:

Ms. Ayushi Anandpara
Chambers of Mr. Rohaan Cama
Islam Building, 1st Floor, 46, V. N. Road,
Opp. Akbarrallys Men, Flora Fountain,
Mumbai – 400 023.
Mobile No. 9833144496

7. The learned arbitrator shall submit her consent and disclosure statement as per Section 11(8) and 12(1) of the aforesaid Act, within four weeks to the Registrar (Judicial) of this Court. The fees of the learned arbitrator shall be as per schedule IV to the said Act.

8. It is directed that the proceedings before the learned arbitrator appointed by this order shall proceed from the stage at which they were pending before the learned arbitrator whose mandate has been terminated.

9. All questions are kept open.

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

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

MANISH PITALE, J.