

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.172 OF 2019

GP Global Energy Private Limited
(now known as Nivaya Resources Private Limited) ... Petitioner
Vs.
Morning Star Enterprises and others ... Respondents

Ms. Anisha Balse i/b. Mr. Prerak Choudhary for the Petitioner.
None for Respondents.

CORAM : MANISH PITALE, J.
DATE : MARCH 16, 2023

P.C. :

1. By this petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, the petitioner has prayed for appointment of arbitrator in the context of an arbitration clause contained in a memorandum of understanding executed between the parties.

2. Disputes arose between the parties and the petitioner claimed that specific amount was due from the respondents. A demand notice was issued by the petitioner to the respondents but there was no response. Eventually, by a notice dated 24.09.2019, the petitioner invoked the arbitration clause. There was no response to the said notice also.

3. In this petition, the respondents were put to notice. They appeared through counsel. On the last occasion also, there was no appearance on behalf of the respondents, and therefore, as a matter of last chance, the present petition was directed to be listed today.

4. Even today, there is no appearance on behalf of the respondents, although the name of the advocate representing the respondents is stated in the cause list. In this backdrop, the petition is taken up for hearing and disposal.

5. Learned counsel for the petitioner relies upon the arbitration clause and the invocation notice to submit that this Court may appoint a sole arbitrator for resolution of disputes between the parties.

6. Considering the extent of claim raised on behalf of the petitioner, it would be appropriate that an advocate practising in this Court is appointed as the sole arbitrator, particularly because the arbitration clause specifies that the Courts at Mumbai shall have jurisdiction.

7. In view of the above, Advocate Mahesh Shah is appointed as the sole arbitrator for adjudicating the disputes between the parties. The contact details of the learned arbitrator are as follows:-

Advocate Mahesh R. Shah

Address 1: 24/26, Cama Building, 2nd Floor,
Dalal Street, Fort, Mumbai 400 001.

Address 2: 405, D. S. Trade Centre,
Vidyavihar Station Road,
Vidyavihar (West), Mumbai 400 086

Contact No. 93240 51072 / 2265 3628 / 2515 3629.

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

9. Learned Arbitrator is requested to submit his consent and disclosure statement in terms of Sections 11(8) read with 12(1) of the aforesaid Act within four weeks to the Registrar (Judicial) of this Court.

10. The fees of the learned Arbitrator shall be fixed in terms of the Fourth Schedule to the aforesaid Act.

11. All questions are kept open.

12. The petition stands disposed of.

(MANISH PITALE, J.)