

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

ARBITRATION PETITION NO. 226 OF 2022

Ayaz Aftab Khan

...Petitioner

Versus

Feroz Badruddin Khan & Anr.

...Respondents

* * *

- Mr. Vishal Wani b/f Mr. Arun Rajput, for Petitioner.
- Mr. Rajesh P. Khobragade, Mr. Abhijeet Naik, Mr. Raj Gupta and Mr. Rahul Yadav, for Respondent No. 1.

* * *

CORAM : MANISH PITALE, J

DATE : 21st FEBRUARY, 2023.

P. C. :

1. By this petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, the Petitioner is praying for appointment of a sole Arbitrator to resolve the disputes between the parties. The Arbitration Clause is found in Memorandum of Understanding dated 10th February, 2020, executed between the parties. Pursuant to disputes arising between the parties, the Petitioner invoked the Arbitration Clause by issuing notice dated 09th November, 2022, proposing the name of an Arbitrator. The Respondent did not send any communication, in response to the said notice, due to which the Petitioner was constrained to file the present petition.

2. Since the agreed procedure between the parties for appointment of Arbitrator between the parties failed, this Court can certainly exercise jurisdiction in the matter.

3. Considering the nature of dispute, it would be appropriate that an advocate practicing in this Court, is appointed as the sole Arbitrator. Accordingly, Prof. Rohini M. Dandekar, Advocate practicing in this Court is appointed as the sole Arbitrator. The details of the learned Arbitrator are as follows.

Prof. Rohini M. Dandekar,
Berarwalla & Co., 19, Parekh Vora Chambers,
66, Nagindas Master Road, Fort, Mumbai – 400 001.
Mob. No. 9820791820 / 9819486246

4. The parties undertake to immediately inform the learned Arbitrator about the order passed today.

5. The learned Arbitrator is requested to communicate her consent and Disclosure Statement as per Section 11(8) r/w Section 12(1) of the said Act, within four weeks to the Registrar (Judicial) of this Court.

6. The fees of the learned Arbitrator shall be as per Schedule IV to the Aforesaid Act.

7. All questions are kept open.

8. The petition stands disposed of.

(MANISH PITALE, J.)