

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

ARBITRATION PETITION NO. 9 OF 2023

M/s. BNC Power Projects Ltd.

Through authorised signatory

Girish B. Chaudhary

...Petitioner

Vs.

M/s. New Northeast Electric

...Respondent

Mr. Harsh P. Dedhia, for Petitioner.

Ms. Savani Vaze i/by Mahalakshmi Ganpathy, for Respondent

CORAM : MANISH PITALE, J.

DATE : 6 APRIL 2023

P.C.

. This petition invokes jurisdiction of this Court under Section 11 of the Arbitration and Conciliation Act, 1996, for appointment of arbitrator, in the context of an arbitration clause contained in general terms and conditions appended to a Postal Order.

2. It is the case of the petitioner that since disputes arose between the parties and the petitioner raised claims against the respondent, by notice dated 21/11/2022, it invoked the arbitration clause. The respondent sent reply dated 15/12/2022, but, it did not lead to appointment of arbitrator as per the agreed procedure.

3. This Court has perused the arbitration clause and it indeed shows that the disputes are to be resolved by arbitration. The

procedure contemplates appointment of nominee arbitrator by each party and the third arbitrator to be appointed by such arbitrators. The clause also stipulates that all the disputes would be within the exclusive jurisdiction of the Court at Pune. It is also stated that the place of arbitration has to be Pune.

4. The respondent has appeared through counsel and submits that the respondent is agreeable for referring the disputes to arbitration. The learned counsel for the parties, on instructions, submit that despite the procedure prescribed in the arbitration clause, the parties are agreeable for appointment of sole arbitrator for resolution of disputes.

5. Considering the extent of claims made by the petitioner, it would be appropriate that an Advocate available at Pune is appointed as the sole arbitrator for resolution of disputes.

6. Accordingly, Mr. Anurag Jain, Advocate available at Pune is appointed as the sole arbitrator for resolution of disputes between the parties. The details of the sole arbitrator are as follows:

Mr. Anurag Jain,

501, Varun Capital, CTS No. 364+365/13,

Next to OYO Citiotel, Lane, Opposite Jangli

Maharaj Temple, Shivajinagar, Pune.

Mob. No. 9833759856

Email : anurag11@hotmail.com

7. The petitioner to inform the learned arbitrator immediately about the order passed today.
8. The learned arbitrator is requested to communicate his 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.
9. All contentions of the parties are kept open.
10. The petition stands disposed of, in aforesaid terms.

MANISH PITALE, J.