



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 70 OF 2022

Indofil Industries Ltd.

...Applicant

Versus

Purnendu Bikash Maity

...Respondent

- Mr. Ameet Mehta, Ms. Pratima Soundalkar, and Mr. Jill Rathod i/b Solicitor, for Applicant.

CORAM : MANISH PITALE, J.

DATE : 01st SEPTEMBER, 2023.

P. C. :

1. In this application filed under Section 11 of the Arbitration and Conciliation Act, 1996, the Respondent had appeared through Counsel on the last occasion i.e. 25th August, 2023 and time was sought to file reply affidavit.

2. In the order dated 25th August, 2023, this Court noted the fact that on 10th July, 2023, a Counsel had appeared and sought time of two weeks to file affidavit in reply but neither Vakalatnama nor reply affidavit were filed. On 25th August, 2023, Counsel appeared for the Respondent and requested that due to ill-health of the Counsel briefed in the matter, the application may be adjourned. In that light, this Court adjourned the application for today, as a matter of last chance for the Respondent to file reply affidavit. This was in the presence of the Counsel who appeared for the Respondent.

3. Today, when the application is called out for hearing,

there is no appearance on behalf of Respondent. Hence, this Court is proceeding to consider the present application on merits.

4. Heard the learned Counsel for the Petitioner. Attention of this Court is invited to arbitration clause contained in a Distributor Agreement dated 10th May, 2017, executed between the parties. The Applicant claims that it is entitled to recover specific amount from the Respondent and in that context an invocation notice dated 03rd January, 2022, was sent to the Respondent. It was served on the Respondent, but there was no response to the same, necessitating filing of the present application.

5. This Court is convinced that the Applicant has been able to prove circumstances in which this Court can exercise jurisdiction under Section 11(6) of the said Act for appointment of Arbitrator. The arbitration clause provides for appointment of a sole Arbitrator. Considering the extent of the claim raised on behalf of the Applicant, it would be appropriate that an advocate practicing in this Court is appointed as the sole Arbitrator.

6. Accordingly, **Prof. Rohini M. Dandekar**, Advocate 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,

55, Nagindas Master Road, Fort, Mumbai.
Mob. No. 9820791820/9819486246.

7. The Petitioner undertakes to inform the learned Arbitrator about the order passed today.
8. 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 Prothonotary and Senior Master of this Court.
9. The fees of the Arbitrator shall be as per Schedule IV to the Aforesaid Act.
10. The petition stands disposed of.

(MANISH PITALE, J.)