

Wadhwa

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 197 OF 2022**

Schindler India Pvt Ltd

...Applicants

Versus

Bengal Foodpark Ltd

...Respondents

Ms Shilpa Kapil, for the Applicants.

CORAM Kamal Khata, J.

DATED: 20th December 2023

PC:-

1. This Application is taken out under Section 11 of The Arbitration and Conciliation Act, 1996 ("Arbitration Act") for appointment of an Arbitrator to decide the disputes and differences between the parties that are a subject matter of this application.

2. The Arbitration clause 18 evinces that the disputes have to be referred to arbitration and is contained in the Contract dated 26th December 2017.

3. By a notice dated 13th December 2019 the Applicant invoked arbitration. In response to the notice, the Respondents admitted the liability. The payments of Rs. 5 lakhs and 3 lakhs respectively were made in February 2020 and on 4th December 2020.

4. With regard to the balance payment, the Applicant issued a letter on 7th November 2021 which was responded to by the Respondent vide its letter dated 13th March 2022 thereby agreeing to pay balance amount of Rs. 6,77,844/-

5. Affidavit of service dated 19th December 2023 regarding issuance of notice is tendered and taken on record.

6. I thus pass the following order:

(i) Ms Pinky Mohanlal Bhansali, Advocate, is appointed as a Sole Arbitrator to decide the disputes between the Applicant and the Respondents arising out of the Contract dated 26th December 2017.

(ii) Parties to appear before the Sole Arbitrator on a date to be fixed by her at her earliest convenience.

(iii) The Sole Arbitrator is requested to file her Disclosure Statement as per Section 11(8) under section 12(i) of Arbitration Act within a period of three weeks from the date of receipt of the notice issued by the Prothonotary and Senior Master and provide copies to the parties.

(iv) Fees of the Sole Arbitrator will be payable in accordance with the Bombay High Court (O.S.) Rules, 2018.

(v) Arbitration application is disposed of in the above terms.

(vi) No costs.

(vii) Office to notify the Arbitrator about her appointment.

(Kamal Khata, J)