

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

COMMERCIAL ARBITRATION PETITION NO. 60 OF 2021

Riteish Deshmukh and Anr.

.. Petitioners

Versus

Welcome Cure Pvt. Ltd. and Ors.

.. Respondents

-
- Mr. Rohan Kelkar a/w. Ms. Rashi Shah i/by M/s. Kartikeya and Associates for Petitioners.
 - Mr. Zubin Behramkamdin, Senior Advocate a/w. Vyom Shah, Ms. Manisha Virkhari, Ms. Nidhi B. Singh, Mr. Nandkishor Supal i/by Divya Shah Associates for Respondents.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 03, 2023.

P.C.:

1. Heard Mr. Kelkar, learned Advocate for Petitioners and Mr. Zubin Behramkamdin, learned Senior Advocate for Respondents.

2. Commercial Arbitration Petition No. 60 of 2021 is filed under Section 9 of the Arbitration & Conciliation Act, 1996 (for short “**the said Act**”). By consent of the parties, Commercial Arbitration Petition No.60 of 2021 filed under Section 9 of the said Act is converted to Section 17 of the said Act to be moved before the learned sole Arbitrator. Both parties consent for appointment of sole Arbitrator to resolve their disputes. The pleadings in Section 9 Petition shall be considered as pleadings under Section 17 of the said Act. Parties are further permitted to file Additional Affidavits and

pleadings in Section 17 proceedings before the learned Arbitrator.

3. After hearing the learned Advocates for sometime and perusing the record, both the learned Advocates have agreed to refer their disputes to the Arbitral Tribunal. Both parties have left the appointment of sole Arbitrator to be done by this Court.

4. Hence, I pass the following order:-

- (i) By consent of parties, Mr. Nausher Kohli (Cell Phone No.9911115722), Advocate / Counsel practicing in this Court is appointed as sole Arbitrator to decide upon the disputes and differences between the parties which is the subject matter of the present proceedings;
- (ii) Both parties are directed to intimate to the sole Arbitrator about his appointment as a sole Arbitrator to resolve the disputes between them;
- (iii) The learned Arbitrator, within a period of 15 days before entering the arbitration reference, shall forward a statement of disclosure as per the requirement of Section 11(8) with Section 12(1) of the Arbitration and Conciliation Act, 1996, to the Prothonotary & Senior Master of this Court, to be placed on record of these proceedings, with a copy to be forwarded to both the parties;

- (iv) Parties are directed to appear before the learned sole Arbitrator as directed by the learned Arbitrator and shall fix a schedule as per his convenience;
- (v) Learned arbitral Tribunal shall give all such further directions with reference to the arbitration and also as to how it is to be proceeded further;
- (vi) Contact and communication particulars shall be provided by both the sides to the learned sole Arbitrator within a period of one week from today. This information shall include a valid and functional email as well as mobile numbers of the parties participating in the process as well as all Advocates / Counsel;
- (vii) All contentions of the parties are expressly kept open;
- (viii) The learned Arbitrator shall be entitled for the fees as per Schedule IV of the Arbitration & Conciliation Act, 1996 read with Bombay High Court (Fee Payable to Arbitrators) Rules, 2018 and the arbitral costs and fees of the Arbitrator shall be borne by both parties in equal portion and shall be subject to the final Award that may be passed by the Tribunal.

5. In view of the above, Commercial Arbitration Petition is disposed.

[MILIND N. JADHAV, J.]

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