



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

COMMERCIAL ARBITRATION APPLICATION NO. 43 OF 2023

Ramawatar Babulal Jajodia & Ors.

...Applicants

Versus

Hashmukh Barvalia & Anr.

...Respondents

- Adv. Sneha Dedhiya i/b Adv. Anil Mishra, for Applicants.
- Adv. Bipin J. Joshi, for Respondents.

CORAM : MANISH PITALE, J.

DATE : 11th OCTOBER, 2023.

P. C. :

1. By this application filed under Section 11 of the Arbitration and Conciliation Act, 1996, the Applicant is seeking appointment of an Arbitrator in the context of an arbitration clause contained in a shareholders agreement dated 05th October, 2015, executed between the parties.

2. By this agreement, the Applicants had become 75% shareholder. It is the case of the Applicant that disputes arose between the parties when certain claims were made by third parties, which were not even informed by the Respondents.

3. In the light of the dispute arising between the parties, on 28th April, 2023, the Applicants issued notice to the Respondent invoking the arbitration clause for appointment of Arbitrator.

4. On 13th May, 2022, the Respondents sent a reply, simply stating that since their father was unwell, they would send detailed reply as soon as possible. Thereafter, the Respondents did not send any further reply to the Applicants.

5. As the agreed procedure for appointment of Arbitrator failed, the Applicants were constrained to file the present application.

6. Having heard the learned Counsel for the rival parties and upon perusal of the material on record, this Court is convinced that the facts and circumstances of the present case warrant exercise of jurisdiction under Section 11(6) of the said Act.

7. Accordingly, the application is allowed. Considering the extent of claims made by the Applicants, it would be appropriate that a Counsel practicing in this Court is appointed as the sole Arbitrator.

8. Accordingly, Mr. Rohan Savant, Advocate, is appointed as the sole Arbitrator. The details of the learned Arbitrator are as follows :

*Mr. Rohan Savant,
301, Rustom Building, Veer Nariman Road,
Fort, next to Akbarallys, Mumbai - 400 023.
Contact No. 9833126212.*

9. The parties undertake to inform the learned Arbitrator at the earliest about the order passed today.

10. The learned Arbitrator is requested to communicate his consent and Disclosure Statement as per Section 11(8) read with Section 12(1) of the said Act, to the Prothonotary and Senior Master of this Court, within four weeks from today.

11. The Fees of the learned Arbitrator shall be as per Schedule IV to the said Act.

12. All questions are kept open to be determined by the learned Arbitrator.

13. The petition stands disposed of.

(MANISH PITALE, J.)