

Talwalkar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 156 OF 2023**

Sharad D Muni & Co

...Applicant

Versus

Capacite Infraprojects Ltd

...Respondent

**Mr Nilesh Modi, with BN Jadhav, i/b, Rustamji & Ginwala, for the
Applicant.**

Mr Vijeet Trivedi, i/b Ganesh & Co, for the Respondent.

CORAM Kamal Khata, J.

DATED: 18th December 2023

PC:-

1. This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 (“**Arbitration Act**”) seeking appointment of a Sole Arbitrator as prayed for in prayer clause (a) of this application.

2. The Arbitration clause in the Purchase Order dated 26th September 2019 is at page 63 (Exh. A-1). The other Purchase Orders are annexed at Exhibits A-1 to A-19 to the Application. The claim is under these purchase orders.

3. After hearing both Advocates, I pass the following order:

ARUNA
SANDEEP
TALWALKAR

Digitally signed by
ARUNA SANDEEP
TALWALKAR
Date: 2023.12.22
11:33:48 +0530

- i. Mr. Atul Daga, Advocate, is appointed (by consent) as Sole Arbitrator to adjudicate the disputes between the parties with regards to the Purchase orders annexed at Exhibits A-1 to A-19.
- ii. The learned Arbitrator is requested to file his disclosure statement under Section 11(8) and Section 12(1) of the Arbitration Act within four weeks with the Prothonotary and Senior Master and provide copies to the parties.
- iii. Parties to appear before the Sole Arbitrator on a date to be fixed by him at his earliest convenience. This preliminary meeting may be held via Video Conference.
- iv. Fees payable to the Sole Arbitrator will be in accordance with the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.
- v. Arbitration Application is disposed in the above terms.
- vi. No order as to costs.
- vii. Office to notify the Arbitrator about his appointment.

(Kamal Khata, J)