

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

ARBITRATION APPLICATION NO. 222 OF 2022

Yogesh Sarda

...Applicant

Versus

Ramji Jadhavbhai Tank & Ors.

...Respondents

* * *

- Mr. Dhairyasheel Nalawade and Ms. Sonal Hemant Mishal, for Applicant.
- Mr. Manoj Ghadge, for Research No. 1.
- Mr. Bipin Joshi and Ms. Vedanshi Shah i/by Mr. Bipin Shah, for Respondent Nos. 2 to 9.

* * *

CORAM : MANISH PITALE, J

DATE : 08th FEBRUARY, 2023.

P. C. :

1. This application is filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of Arbitrator in the context of an Arbitration Clause contained in a Memorandum of Understanding executed between the parties.

2. Upon disputes arising between the parties, the Applicant issued notice dated 15th July, 2022, invoking the Arbitration Clause. It appears that there was no response from the Respondents, due to which, the Applicant was constrained to file the present application.

3. The Respondents have appeared through Counsel. They do not dispute the existence of the Arbitration Clause. The invocation of the Arbitration Clause is also not disputed. In these circumstances,

since the agreed procedure for appointment of an Arbitrator, has not resulted in appointment of an Arbitrator, this Court can certainly exercise jurisdiction under Section 11(6) of the aforesaid Act.

4. The learned Counsel appearing for Respondent Nos. 2 to 9 suggested the name of Justice M. L. Tahaliyani, a former Judge of this Court to be appointed as the sole Arbitrator. There was no objection raised to the said proposal on behalf of the Applicant or the Respondent No. 1.

5. In the light of the above, Hon'ble Shri Justice M. L. Tahaliyani, a former Judge of this Court, is appointed as a sole Arbitrator for resolving the disputes between the parties. The details of the learned Arbitrator are as follows :

Hon'ble Shri Justice M. L. Tahaliyani,
1st Floor, Mahavir Chamber, Banaji Street,
Horniman Circle, Kalaghoda, Fort, Mumbai.
Mob. Nos. 9869834031 & 8446084031.

6. As per the Arbitration Clause, the Arbitration proceedings shall take place at Mumbai.

7. The parties undertake to inform the learned Arbitrator immediately about the order passed today.

8. The learned Arbitrator is requested to communicate his

consent and Disclosure Statement under Section 11(8) r/w 12(1) of the aforesaid Act, within four weeks to the Prothonotary and Senior Master of this Court.

9. The fees of the learned Arbitration shall be as per Schedule IV to the said Act.

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

11. The application stands disposed.

(MANISH PITALE, J.)