



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

29 ARBITRATION APPLICATION NO. 5 OF 2020

MAHESH VISHINDAS CHANDWANI

VERSUS

ADITYA MOOKUL MARATHUR

...

Advocate for Applicant : Mr.Ruturaj C. Patil

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 08.01.2024

P.C. :

1] Notice was issued in the matter on 9th March, 2021. None has appeared on behalf of the respondent in the matter.

2] Dispute has arisen between the applicant and the respondent towards rent and damages of the property mentioned in the agreement dated 9th March, 2017. The notice was issued on 2nd January, 2022 by the applicant to the respondent invoking arbitration clause suggesting name of the Arbitrator. However, by letter dated 11th January, 2022, name suggested by the applicant was not accepted by the respondent and respondent had suggested name of the another arbitrator from his side. The applicant has thus filed the present Application under Section 11 of the Arbitration Act for appointment of an Arbitrator.

3] Clause No.24 of the agreement dated 9th March, 2017 provides for resolution of the dispute by an arbitration. Clause No.24 of the agreement dated 9th March, 2017 is as under :

24. This Agreement shall be subject to the jurisdiction of Rahata, in case of any dispute that may arise between the parties hereto. Any dispute, controversy or claim arising out of or relating to this Agreement, or breach, termination or invalidity thereof, shall be settled by arbitration in accordance with the Arbitration and Conciliation Act, 1996 as at present in force, and/or any amendments thereto, from time to time.

4] Accordingly, the arbitration application is disposed of with following order :

a] **Appointment of Arbitrator :-**

Mr.Suhas Vyanketrao Mane, Retired Principal District & Sessions Judge [Panel Arbitrator], is appointed to act as sole arbitrator to adjudicate upon the disputes between the parties.

b] **Communication to Arbitrator of this order :**

(i) A copy of this order will be communicated to the learned Sole Arbitrator by the Advocates for the applicant within one week from the date this order is uploaded.

(ii) In addition, within one week of this order being uploaded, the Registry will forward an ordinary copy of this order to the learned Sole Arbitrator at the following post and email addresses :

Arbitrator : Mr.Suhas Vyanketrao Mane,
Retired Principal District & Sessions Judge

Address : A 303, Ahilyadevi CHS S.No.107
Opp.Cross Wind Society, Emirus Tower
Compound, Near D-mart, Baner,
Pune-411 045.

Phone No. 9975344051

Email : mane.jaymatadi.suhas@gmail.com

c] **Disclosure :**

The learned Sole Arbitrator is requested to forward the necessary statement of disclosure under Section 11 (8) read with Section 12 (1) of the Arbitration Act to the Registrar of this Court, referencing this arbitration application, as soon as possible, and in any case sufficiently before entering upon the reference to arbitration. That statement will be retained by the Registrar on the file of this application. Copies will be given to both sides.

d] Appearance before the Arbitrator :

Parties will appear before the learned Sole Arbitrator on such date and at such place as the learned Sole Arbitrator nominates. The parties to obtain from the Arbitrator appropriate directions in regard to fixing a schedule for completing pleadings, etc.

e] Contact / communication information of the parties :

Contact and communication particulars are to be provided by both sides to the learned Sole Arbitrator. The information is to include a valid and functional email address.

f] Section 16 application :

The respondent is at liberty to raise all questions of jurisdiction within the meaning of section 16 of the Arbitration Act. All contentions are left open.

g] Interim Application/s :

(i) Liberty to the parties to make an interim application or interim applications including (but not limited to) interim applications under

Section 17 of the Arbitration & Conciliation Act, 1996 before the learned Sole Arbitrator.

(ii) Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.

h] Fees :

The applicant to bear the cost of Arbitrator in the first instance.

i] Venue and seat of arbitration :

Seat of the arbitration would be governed by the provisions of the agreement executed between the parties.

**[ARUN R. PEDNEKER]
JUDGE**

DDC