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IN THE HIGH COURT OF BOMBAY AT GOA

APPLN. FOR APPOINTMENT OF ARBITRATOR NO.8 OF 2024

RODNEY G. NELSON PITCHER AND ANR ... APPLICANTS

Versus

M/S. DREAM HOUSE CONSTRUCTION AND
3 ORS ... RESPONDENTS

Mr. Abhijit Gosavi with Ms. Krupa Naik, Advocates for the Applicants.

Mr. S. Samant, Advocate for the Respondents.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 9th May, 2024

P.C.

1. Heard Mr. Gosavi appearing for the Applicant and Mr. S. Samant appearing for the Respondents.

2. This is an application filed for the appointment of an Arbitral Tribunal in order to solve the dispute between the parties in view of clause 23 of the agreement dated 04.07.2020.

3. Today, both the learned counsels and with the consent of the parties agreed that the matter could be referred to a Single Arbitrator.

4. With the consent of the parties, both the learned counsel suggested the name of Senior Advocate Shri R. G. Ramani for the purpose of appointing him as the Arbitral Tribunal.

5. In view of the above developments the application could be allowed with consent thereby appointing learned senior counsel Shri R. G. Ramani as the Arbitral Tribunal.

6. Accordingly, application stands allowed.

7. The learned senior counsel Shri R. G. Ramani is appointed as learned Arbitrator to decide the dispute between the parties.

8. In these circumstances, the following order is passed:

(a) The Application is allowed.

(b) The learned senior counsel Shri R. G. Ramani is appointed as the sole Arbitrator to decide the dispute between the parties.

(c) A copy of this order be communicated to the learned sole Arbitrator by the Advocate for the Applicant, within a period of one week from today.

(d) The learned sole Arbitrator is requested to forward his Statement of Disclosure under Section 11 (8) read with Section 12 (1) of the Arbitration Act to the Advocate for the Applicant so as to enable him to file the same in the Registry of this Court. The Registry of this Court shall retain the said Statement on the file of this Application and

a copy of the same shall be furnished by the Advocate for the Applicant to the Advocate for the Respondents.

(e)The parties shall appear before the learned sole Arbitrator on such date and at such place as he nominates to obtain appropriate directions with regard to fixing a schedule for completing pleadings etc. The Arbitral Tribunal shall give all further directions with reference to the arbitration and also as to how it is to proceed.

(f)Contact and communication particulars shall be provided by both sides to the learned sole Arbitrator within a period of one week from today. This information shall include a valid and functional email address as well as the mobile numbers of the respective Advocates.

(g)The parties have agreed that the sole Arbitrator shall charge his fees as per the 4th Schedule of the Arbitration and Conciliation Act, 1996 read with the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018. The parties have further agreed that all the arbitral costs and the fees of the Arbitrator will be borne by the Applicant and the Respondents equally and will be subject to the final Award that may be passed by the Tribunal.

(h)The parties immediately consent to a further extension of six months to complete the arbitration, should the learned sole Arbitrator find it necessary.

(i) The parties have agreed that the seat of the arbitration will be at Panaji, Goa. However, the venue of the Arbitration shall be decided by the sole Arbitrator taking into consideration the convenience of the parties as well as his convenience.

9. Application stands disposed of in above terms.

BHARAT P. DESHPANDE, J.