

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA
APPLICATION FOR APPOINTMENT OF ARBITRATOR NO.
5 OF 2023.**

VAISHALI FOODS THR PARTNERS AND 3
ORS ... Applicants.
VS
CHANDELKAR MARKETING A
PARTNERSHIP FIRM REP BY PARTNERS
AND 3 ORS ...Respondents.

Mr S. M. Singbal, Advocate for the applicants.
Mr V. Amonkar, Advocate for the respondent 1, 2 and 4.
Respondent no. 3 absent.

CORAM: B. P. DESHPANDE, J
DATED: 10th January 2024.

P.C.

1. This is an application for appointment of arbitrator filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short “the Arbitration Act”) .
2. Heard Mr S. M. Singbal, learned Counsel for the applicants and Mr V. Amonkar, learned Counsel for the respondent 1, 2 and 4. Respondent no. 3 is served absent.
3. Today learned Counsel appearing for the parties would submit that matter could be referred to sole arbitrator. Both the learned Counsel suggest name of Mr. P. V. Sawaikar, a former District

Judge. Accordingly, prayers in this application could be allowed by consent of the parties.

4. Since there is an arbitration clause in the agreement and as dispute arose between the parties in connection with the Agreement and as parties now desirous of appointing sole arbitrator thereby appointing Mr P. V. Sawaikar, a Former District Judge, is hereby appointed as the Sole Arbitrator to adjudicate the disputes and differences between the parties.

5. In these circumstances, the following order is passed :-

- a. Mr P. V. Sawikar a Former District Judge, is appointed as the Sole Arbitrator to decide upon the disputes and differences between the Applicant and the Respondent arising out of agreement dated 15.4.2017.
- b. A copy of this order will be communicated to the learned Sole Arbitrator by the Advocate for the Applicant within a period of one week from today.
- c. 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 Advocates for the Applicant to the Advocates for the Respondent.

- d. 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.
- e. 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.
- f. 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 Respondent equally and will

be subject to the final Award that may be passed by the Tribunal.

- g. The parties immediately consent to a further extension of six months to complete the arbitration, should the learned Sole Arbitrator find it necessary.
 - h. 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 convenience of the parties as well as his convenience.
6. In view of above, application stands disposed of.

B. P. DESHPANDE, J

VINITA VIKAS NAIK  Digitally signed by VINITA VIKAS NAIK
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