



IN THE HIGH COURT OF BOMBAY AT GOA.
APPLN. FOR APPOINTMENT OF ARBITRATOR NO.15 OF 2024

MELWYN CAMARA SOLE PROPRIETOR
OF UNITED ARTISTS MANAGEMENT
(UAM) ... Applicant
VS
THE ENTERTAINMENT FACTORY THR.
ITS SOLE PROPRIETOR MUBIN TISEKAR ... Respondents.

Mr. P. Sirvoicar, Advocate for the Applicant.

CORAM: BHARAT P. DESHPANDE, J

DATED: 28th August 2024

P.C.:

1. Heard P. Sirvoicar, learned Counsel for the applicant. Inspite of service of notice on the respondent, none appeared.
2. The present application is filed for appointment of Arbitral Tribunal under Section 11(6) of the Arbitration And Conciliation Act, 1996.
3. The applicant submitted that by executing Memo of Understanding, parties agree that any dispute arising between them would be resolved by referring the matter to the sole arbitrator appointed by mutual agreement of the members. In case of failure of members to mutually agree, matter could be filed before the Court in Goa for the purpose of appointment of Arbitral Tribunal.

4. Notice was issued by the applicant thereby invoking arbitration clause which is dated 29.5.2024 as the applicant even deliberated to resolved the dispute by issuing notices on earlier occasions for conciliation and otherwise. There was no response from the respondent to all the above notices. The applicant was therefore left with no other alternative but to approach this Court.

5. The applicant has furnished three names of arbitrators to be appointed and since there is no reply or appearance on behalf of the respondent, once such name could be considered for appointment of Arbitral Tribunal.

6. Considering the above facts, Justice F. M. Reis, former Judge of Bombay High Court is hereby appointed as Arbitral Tribunal to resolve the dispute between the parties.

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

- a. Justice F. M. Reis, former Judge of Bombay High Court, is appointed as the Sole Arbitrator to decide upon the disputes and differences between the Applicant and the Respondents.
- 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 Respondents.

- 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.
- 8. In view of above, Application stands disposed of.

BHARAT P. DESHPANDE, J