

Vinita

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

NEWTON FRANK SAVIO DIAS @ NEWTON
DIAS ... Applicant.
VS
NECTOR GILBERT DIAS @ NECTOR DIAS
AND ANR. ... Respondents.

Mr R. Noronha, Advocate for the Applicant.
Mr K. Monteiro, Advocate for the respondents.

**CORAM: B. P. DESHPANDE, J
DATED: 24th January, 2024.**

P.C.

1. Though initially there was some objection with regards to name of the arbitrator suggested by the applicant, now learned counsel for the respondents, on instructions, submits that respondents are agreeable to the name of Senior Advocate Mr J. P. Mulgaonkar to act as sole arbitrator. Learned counsel for the applicant is also ready and willing to refer the matter to the said arbitrator.
2. In view of the above submissions, application is allowed. The Senior Advocate Mr J. P. Mulgaonkar is appointed as sole arbitrator to decide the dispute between the parties.
3. In these circumstances, the following order is passed :-

- a. Mr J. P. Mulgaonkar, Senior Advocate 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 and 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.

4. 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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