

shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

APPLN. FOR APPOINTMENT OF ARBITRATOR NO.12 OF 2024

M/S. K. C. CONSTRUCTIONS CO., THR.
ITS MAN. PART., JEREMIAS DSOUZA
Versus
HAROLD FERNANDES AND 2 ORS

... APPLICANT

... RESPONDENTS

Necessary
corrections carried
out as per order
dated 28.08.2024

Mr. Parag Rao, Advocate for Applicant.
~~Mr. J. Abreu Lobo, Advocate for Respondents.~~

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 24th July, 2024

P.C.

1. Leave is granted to place reply documents on record.
2. Heard Mr. Rao learned counsel appearing for the Applicant.
3. This is an application filed under Section 11(6) of the Arbitration and Conciliation Act for the appointment of an Arbitral Tribunal to decide the dispute between the parties.
4. Mr. Rao submits that vide a Memorandum of Understanding dated 29.05.2018 parties agreed that in case of any dispute the matter could be referred to an Arbitral Tribunal.
5. He submits that since the dispute arose between the parties, a

notice invoking clause of Arbitration was issued to the Respondent on 19.03.2024 and received on 22.03.2024. However, the respondent simply refused to agree for such an appointment on the ground that the matter cannot be referred to arbitration.

6. Issue notice to the Respondents returnable on 28.08.2024.

BHARAT P. DESHPANDE, J.