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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.74 OF 2021

Balasaheb Ganpatrao Karande] .. Petitioner
vs.
Central Printers & Ors.] .. Respondents

Advocate Raufa Shaikh a/w Yuvraj Narvankar for the Petitioner.

Mr.Surel Shah a/w Rahul Kasbekar i/b Saurabh Mandlik for Respondent No.1 to 3.

Mr.Aditya Raktade for Respondent No.4.

CORAM : BHARATI DANGRE, J

DATE : 16th January, 2024.

P.C.

1] The Arbitration Petition filed under Section 11 of the Arbitration and Conciliation Act, seek appointment of Sole Arbitrator to resolve the disputes arising between the parties under the Partnership Deed dated 04.11.1985, which provide arbitration as a mode for resolution of the disputes.

Being aggrieved by the act of Partners/Respondent in purchasing movable and immovable properties from the financial gains of the Respondent-Firm in their own name as well as in the name of Respondent Nos.5 to 9 and the Petitioner having been kept completely in dark about the said acquisitions and transfers, a legal notice was addressed to the Respondent seeking accounts and share in the profits.

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The respondents obviously avoided to respond, which constrained the Petitioner to invoke arbitration vide its notice dated 18.11.2019 and even the Sole Arbitrator was also nominated in the said notice. On failure to receive any response during the period of 30 days, Petitioner has approached this Court.

2] I have heard the learned counsel Mr. Surel Shah for the Respondent who do not dispute existence of arbitration clause and its invocation.

In the wake of aforesaid, since arbitration clause is not in dispute, I deem it appropriate to appoint Justice Tanaji Nalawade (Retired) to act as Sole Arbitrator and particularly since the arbitration proceedings are to be conducted in Kolhapur.

Though the arbitration clause do not mention seat/venue of arbitration, but the parties have preferred Kolhapur as the seat of arbitration.

The details of the proposed Arbitrator are as follows :-

Justice Tanaji Nalawade(Retired)

R/o Flat No.109, Meera Bhakti Apartment, Rankala,
Behind D Mart Mall, Kolhapur – 416 010.

Mobile : 88309 70527

The Arbitrator shall, within a period of 15 days before entering the arbitration reference forward a statement of disclosure as contemplated u/s.11(8) r/w Section 12 of the Arbitration and Conciliation Act, 1996, to the Prothonotary and Senior Master of this Court to be placed on record.

The Arbitrator, shall after entering the reference fix the date of first hearing and issue further directions as are necessary.

The Sole Arbitrator shall be entitled for the fees as per Bombay High Court (Fee Payable to Arbitrators) Rules, 2018 and the arbitral costs and fees of the Arbitrator shall be borne by the parties in equal portion and shall be subject to the final Award that may be passed by the Tribunal.

All rights and contentions of the parties are kept open.

Arbitration Petition stand disposed off in the above terms.

[BHARATI DANGRE, J]