

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 57 OF 2024

M/s.ABM Telemobiles India Pvt Ltd .. Petitioner
Versus
Blue Dart Express Limited .. Respondent
...

Ms.Sunita B. for the petitioner.
Ms.Sakshi Saboo i/b DSK Legal for the respondent.

CORAM: BHARATI DANGRE, J.
DATED : 24th APRIL, 2024

P.C:-

1 The Customer Contract Form dated 1/2/2016 which evidenced the contract entered between Blue Dart and the petitioner M/s.ABM Telemobiles India Pvt Ltd, comprise of a clause contemplating that the disputes arising therein, shall be referred to arbitration.

 In the wake of the aforesaid arrangement, the petitioner picked up the shipment from Bangalore to be delivered to Noida, which comprised of 135 boxes, each box containing 5 laptops with its estimated value of Rs.4,84,96,070/-. The vehicle carrying the shipment broke down and was stranded for 26 hours and it faced further problem and finally reached the

warehouse in Noida after a delay, and it was noticed that 49 boxes have been stolen and only 85 boxes were delivered.

This resulted in a claim being staked against Blue Dart, under the Carriage of Goods Act, 2007, and with specific reference to Section 10, dealing with the obligation/liability of a common carrier as well as Section 17.

Since the amount was not paid, arbitration was invoked by a notice dated 22/5/2023 by the petitioner, pursuant to which the present petition is filed seeking appointment of an arbitrator as the name of the arbitrator could not be agreed upon.

2 The learned counsel for the respondent do not dispute the existence of the arbitration clause in the contract, and also its invocation. She is agreeable to the appointment of the arbitrator for resolving the disputes that has arisen between them.

3 In the wake of the above, Advocate Neeta Jain is appointed as Sole Arbitrator to adjudicate the disputes and differences that have arisen between the applicant and the respondent. The details of the Arbitrator are as follows:-

Ms.Neeta Jain.
301, A Wing, 3rd floor,
Fort Chambers,
Off Ambalal Doshi Marg,
Fort, Mumbai 400001.
Cell: 9320003692/
email neetanaik.jain@gmail.com

The Arbitrator shall, within a period of 15 days before entering the arbitration reference forward a statement of

disclosure as contemplated under Section 12(1) 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.

The Advocates for the applicant shall intimate the Arbitrator about his appointment within a period of one week from the date of uploading of this Order.

In addition, the Office of the Prothonotary and Senior Master of this Court shall also intimate the Arbitrator about his appointment, on the email id mentioned above, within a period of one week from the date of uploading of this Order.

All rights and contentions of the parties are kept open.

(SMT. BHARATI DANGRE, J.)