

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.118 OF 2022**

Lalima Tours and Management Pvt .. Petitioner
Ltd

Versus

Expat Educational Institute .. Respondent

...

Mr.Yogesh Patil for the Petitioner.

Mr. Mustafa Bohra i/b M/s Solomon & Co for the respondent.

**CORAM: BHARATI DANGRE, J.
DATED : 6th FEBRUARY 2024**

P.C:-

1 The arbitration petition seek appointment of an arbitrator in the wake of the arbitration clause contained in clause 19 of the Work Order cum Agreement dated 30/04/2017, to resolve the disputes that have arisen between the parties.

2 At the outset, there is consensus between the parties that respondent no.2, shall not be a part of the arbitration proceedings.

3 With this aforesaid understanding, when I heard the counsel for the petitioner and perused the petition, it is evident that a Work Order for supply of Manpower, Housekeeping Operation at the Hostel and Facility Controller's at Institute and Hostel at Lavasa was inked, the period of contract being specified as from 1/05/2017 to 31/03/2019.

Ashish

It is the case of the petitioner that it commenced the work in terms of the Work Order and raised monthly invoices upon respondent no.1, but there was a complete neglect to make the necessary payments.

This constrained the petitioner to issue a demand notice calling upon respondent no.1, to make payment of an amount to the tune of Rs. 21,34,671/- along with the interest. Since there was no compliance, on 17/02/2022, the petitioner invoked the arbitration in terms of clause 11 of the Work Order cum agreement dated 30/04/2017.

The notice did not receive response, which has constrained the petitioner to approach this Court, seeking appointment of an Arbitrator.

2 The learned counsel for the respondent do not dispute the existence of the arbitration agreement and therefore, the dispute deserve to be made to a sole arbitrator, to be appointed under the following terms and conditions.

In the wake of the above, Advocate. Adv. Siddhesh Bhole, 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 below:

Name :- Adv. Siddhesh Bhole
Address :- Bouna Casa Bulding, 3rd floor, P.M. Road Fort.
Email :- siddhesh@556advisory.in.
Mob :- 9819061575

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.

(SMT. BHARATI DANGRE, J.)