

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.151 OF 2023

RSB Transmissions India Ltd.

Through its Authorized Signatory

Santosh Mishra] .. Petitioner

vs.

Jai Jagdish Industries

Through its Partner Vijayraj Gupta] .. Respondent

Mr.Nikhil Karnawat i/b Bhairavi Waravdekar for the Petitioner.

Mr.Shardul Diwan a/w Rahul Kadam for Respondent (New Advocate).

Ms.Neeta Patil i/b S.R. Nargolkar for Respondent (Previous Advocate)

CORAM : BHARATI DANGRE, J

DATE : 8th April, 2024.

P.C.

1] The Respondent is now represented through the learned Advocate Mr.Shardul Diwan, who has expressed consensus over the appointment of Arbitrator, as prayed in the Arbitration Petition, in the wake of clause 23 of the Equipment Lease Agreement dated 01.02.2019.

2] The relevant clause clearly contemplate that all disputes, differences, claims and questions whatsoever, which shall arise, either

during the subsistence of the Agreement or afterwards, between the parties, touching the presents or any clause therein, shall be referred to arbitration of Sole Arbitrator, to be appointed by the Lessor and such arbitration shall be in accordance with the Arbitration and Conciliation Act, 1996.

The Arbitration is agreed to be conducted in Pune.

3] Since there can be no unilateral appointment of Arbitrator at the instance of the Lessor, the Parties have agreed to the appointment of Mr.Kashinath Budhwant, Retired Civil Judge Senior Division, as Sole Arbitrator to adjudicate the disputes and differences that have arisen between the applicant and the respondent.

The details of the nominated Arbitrator are as below :-

Shri Kashinath R. Budhwant
Retired Civil Judge Senior Division
Address : Shakuntal, Row House NO.2/3,
Shantiban Housing Society, S. No.52/1,
Near Eklavya College, Kothrud, Pune - 411 038.
Mobile No. 93251 68177/98909 75971

4] 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.

5] The learned counsel for the Petitioner shall intimate the learned Arbitrator of his appointment.

Arbitration Petition stand disposed off in the above terms.

[BHARATI DANGRE, J]