

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.169 OF 2023

Aadhar Enterprises through its .. Petitioner
authorised partner Pratik
Chandubhai Patel

Versus

Vaishali Bharat Tiwari & Ors. .. Respondents
Through Satav Landmark LLP

...

Ms.Niyati Shah with Mr.Dhavan Shah and Mr.Abhishek
Chitnis for the Petitioner.

Mr.Akshay Petkar with Mr.Aditya Nair for the Respondent
Nos.1 to 4.

...

CORAM: BHARATI DANGRE, J.
DATED : 20th MARCH, 2024

P.C:-

1. The Arbitration Petition seeks appointment of a Sole Arbitrator to resolve the disputes between the parties out of the Development Agreement dated 28/12/2022, which contemplate a security deposit of Rs.6,78,20,000/- to be paid to Respondent No.4. The project could not take off successfully, which resulted in issuance of notice dated 26/07/2021, calling upon Respondent Nos.1 to 4 to cancel the Development Agreement as well as the Power of Attorney and to refund the security deposit with interest. On 18/02/2022, arbitration

was invoked and since, no consensus could be arrived on the name of the Arbitrator to be appointed, as per the arbitration clause contained in the Development Agreement, the Petitioner has approached this Court.

2. The learned counsel for the Respondent does not dispute the existence of the arbitration clause and its invocation. He would submit that upon the Court appointing the Sole Arbitrator, the Respondents shall submit to the arbitration. It is also brought to my notice that the arbitration, as per the relevant clause in the Development Agreement, is contemplated in Pune.

3. In the wake of the above, I deem it appropriate to appoint a Sole Arbitrator to decide the disputes and differences between the parties under the document referred to above. The details of the proposed Arbitrator are as below :-

Name of the Arbitrator :-	Justice Shrihari P. Davare (Retired Judge of Bombay High Court)
Address :-	Flat No.1001, "C" Wing, Relicon Felicia Society, Baner-Pashan Link Road, Pashan, Pune -411 021
Email ID :-	Shrihari.davare@gmail.com
Contact No. :-	9923823838/8208029808

The Arbitrator, within a period of 15 days before entering the arbitration reference, shall forward a statement of disclosure as per the requirement of Section 11(8) read with Section 12(1)

of the Arbitration and Conciliation Act, 1996, to the Prothonotary & Senior Master of this Court, to be placed on record of this application

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

The Sole Arbitrator shall be entitled to the fees prescribed under the 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.

Needless to state that all the contentions of both the sides are left open, to be raised by the respective parties before the Arbitral Tribunal, in accordance with law.

4. The Arbitration Petition No.169 of 2023 stands disposed off in the aforestated terms.

(SMT. BHARATI DANGRE, J.)