



Gaikwad RD

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.2 OF 2022

Capt. Yoginder Pal Singh Chauhan

...Petitioner

Versus

Pragati Marine Services Private Limited

...Respondent

Mr. Vipinchandra R. Kasle, for the Petitioner.

CORAM Dr. Neela Gokhale, J.

DATED: 2nd May 2024

PC:-

1. The Petitioner seeks appointment of a sole arbitrator to adjudicate the dispute that has arisen between them out of an agreement dated 21st September 2019.
2. Despite notice being served upon the Respondent twice, none appears for the Respondent and hence the matter is taken up for final disposal.
3. Mr. Kasle, learned counsel appearing for the Petitioner states that by a letter dated 21st September 2019, the Petitioner was appointed as Chief Operating Officer in the Respondent organization based in Navi Mumbai with effect from 1st November 2019. As per the said letter/agreement, the Respondent has agreed

to pay Petitioner monthly professional fee to the tune of Rs.1,85,000/- subject to deduction of applicable income tax.

4. According to the Petitioner, he was not paid his salary for few months and hence he had repeatedly made written requests to the Respondent to settle his dues. However, till date the outstanding dues had not been paid to him. The Petitioner has resigned from service in July 2020.

5. Clause 6.5 of the agreement is the arbitration clause. Since there was no resolution to the dispute, by notice dated 23rd April 2021, the Petitioner invoked the arbitration clause in the agreement and requested the Respondent to refer the dispute for arbitration to a sole arbitrator. The Respondent failed to reply to this notice and hence the Petitioner has filed the present petition seeking appointment of a sole arbitrator.

6. I have gone through the contents of agreement and that of the notice dated 23rd April 2021 issued by Petitioner invoking the arbitration clause. The Petition is disposed of by the following order:

ORDER

1. Shri Shashikant Bhanudas Savale, Retired Principal District Judge, is appointed as a Sole Arbitrator to enter reference and adjudicate the disputes between the parties

out of letter/agreement dated 21st September 2019. The seat of the arbitration shall be Navi Mumbai.

2. The learned Sole Arbitrator shall forward a statement of disclosure as per the requirement of Section 12(1) of Arbitration and Conciliation Act 1996 to the Prothonotary and Senior Master of this Court to be placed on record of this Petition with a copy forwarded to both the parties.
3. At the first instance the parties shall appear before the learned Arbitrator within a period of ten days from the date of uploading of this order or on such date that may be fixed by the Sole Arbitrator.
4. All contentions of the parties on merits of the disputes are expressly left open.
5. The fees payable to the Arbitral Tribunal shall be in accordance with the Bombay High Court (Fee payable to the Arbitrator) Rules, 2018 which shall be borne by the parties in equal proportion.
6. The Petition is disposed of in the above terms. There will be no order as to costs.
7. Office to forward a copy of this order to the learned Sole Arbitrator on the following address:

**“Shri Shashikant Bhanudas Savale,
Retired Principal District Judge,
604, Unnati Tower, Plot No.133,
Sector 2, Ulve, New Mumbai,
Pin Code: 410-206.
shashikant.savale@gmail.com**

(Dr. Neela Gokhale, J)