Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 5 OF 2024

Bharat Mithalal Nagori ...Petitioner

*Versus*

Subhash Sitaram Goel & Ors ...Respondents

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**Mr Vishal Kanade**, *with Pankaj J Das, for the Petitioner.*
**Mr Rajesh Gupta**, *for Respondents Nos. 1 and 2.*
**Mr Siddharth Bane**, *with Harshad Sathe, i/b Saiprasad Wadkar, for Respondents Nos. 5-A to 5-C.*

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CORAM: ARIF S. DOCTOR, J
DATED: 2nd September 2024

PC:-

1. Today, except for Respondents Nos. 3 and 4, all the Respondents have appeared and submitted that they are consenting the appointment of an Arbitration. Office remarks remark shows, Respondents Nos. 3 and 4 have been duly served. Hence, I find it fit to appoint the Arbitrator in view of the fact that there is today no dispute raised before me about the existence/validity of the arbitration clause contained the partnership Deed dated 20th January 2004, in respect of which the disputes and differences have arisen between the parties. Hence, I appoint Mr Justice SR Sathe, Former Judge of Bombay High Court to adjudicate the disputes and differences between the parties on the following Terms and Conditions:

## TERMS OF APPOINTMENT

(a) **Appointment of Arbitrator**: Mr Justice SR Sathe, Former Judge of Bombay High Court, is hereby nominated to act as a Sole Arbitrator to decide the disputes and differences between the parties.

(b) **Communication to Arbitrator of this order**:

(i) A copy of this order will be communicated to the learned Sole Arbitrator by the Advocates for the Petitioner within one week from the date this order is uploaded.

(ii) The Advocates for the Petitioner will forward an ordinary copy of this order to the learned Sole Arbitrator at the following postal and email addresses:

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|---|---|
| **Arbitrator** | **Mr Justice SR Sathe, Former Judge of Bombay High Court** |
| *Address* | A-802, Ruturang Apartment, Behind Paranjape School, Kothrud, Pune 411 038. |
| *Mobile* | 020-25396407 |

(c) **Disclosure**: The learned Sole Arbitrator is requested to forward, in hard copy or soft copy (or both), the necessary statement of disclosure under Section 11(8) read with Section 12(1) of the Arbitration Act to Advocates for the parties as soon as possible. The Advocates for the

Petitioner will arrange to file the original statement in the Registry. If the statement is forwarded in soft copy, a print out of the covering email is also to be filed in the registry.

(d) **Appearance before the Arbitrator**: Parties will appear before the learned Sole Arbitrator on such date and at such place as the learned Sole Arbitrator nominates to obtain appropriate directions in regard to fixing a schedule for completing pleadings, etc.

(e) **Contact/communication information of the parties**: Contact and communication particulars are to be provided by both sides to the learned Sole Arbitrator. The information is to include functional email addresses and mobile numbers.

(f) **Interim Application/s**:

(i) Liberty to the parties to make an interim application or interim applications including (but not limited to) interim applications under Section 17 of the Arbitration & Conciliation Act, 1996 before the learned Sole Arbitrator. Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.

(ii) The learned Sole Arbitrator is requested to dispose of all interim applications at the earliest.

(g) **Fees**: The arbitral tribunal's fees shall be governed by the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.

(h) **Sharing of costs and fees**: Parties agree that all arbitral costs and the fees of the arbitrator will be borne by the two sides in equal shares in the first instance.

(i) **Consent to an extension if thought necessary**. Parties immediately consent to a further extension of up to six months to complete the arbitration should the learned Sole Arbitrator find it necessary.

(j) **Venue and seat of arbitration**: Parties agree that the venue and seat of the arbitration will be in Pune.

2. The Arbitration Petition is disposed of in these terms. No costs.

3. It is made clear that all rights and contentions of the parties, including limitation, are expressly kept open.

(ARIF S. DOCTOR, J)

**Note:** This order is modified by an order dated 5th September 2024 passed on a praecipe.