



Gaikwad RD

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.16 OF 2024

Satishchandra Soman

...Petitioner

*Versus*M/s. Caltherm Thermostats India Private
Limited

...Respondent

**Mr. Rujshikesh S. Kekane, i/b. Mr. Mahadji Phalke, 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 between the parties arising out of an agreement dated 8th August 1988. Mr. Kekane, learned counsel appearing for the Petitioner states that the dispute is relating to arrears of rent to be paid by the Respondent to the Petitioner. The Petitioner is also seeking eviction of the Respondent in view of the default in payment of rent. As per the agreement, the lease is valid for a period of 999 years.

2. Clause 7 provides for referring any dispute arising in respect of the said agreement to arbitration 'in accordance with the provisions of the law for the time being in force'.

3. Mr. Kekane, learned counsel states that the interpretation of the words, 'the law for the time being in force' imply the law which is in force on the date when the dispute has arisen and not the date of the execution of the agreement. Be that as it may, he states that a notice invoking the arbitration clause was sent to the Respondent on 11th August 2023 inviting them to participate in the appointment of arbitrator. The Respondent replied to the said notice by its reply dated 21st September 2023. However, the Respondent failed to participate in the appointment of an arbitrator. Hence, the Petitioner has filed present petition seeking appointment of an arbitrator.

4. Issue notice to Respondent returnable within four weeks from today. The Petitioner is also permitted to serve the Respondent by private notice through all modes of communication as permissible in law. He undertakes to file an affidavit of service on or before the next date.

5. List the matter on 18th June 2024.

(Dr. Neela Gokhale, J)