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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 58 OF 2024

Ankush Bhagwantrao Gore

... Petitioner

V/s.

Shekhar Bhagwantrao Gore

... Respondent

Mr. Hemant Ghadigaonkar a/w Ms. Soniya for the Petitioner.

Mr. Anurag Jain i/by A. J. Associates for the Respondent (through VC).

CORAM : ARIF S. DOCTOR, J.

DATE : 11th JULY, 2024

P.C.:-

1. This is a Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator since the Arbitrator who was earlier appointed by this Court has recused himself to the factum of the appointment *per se*. As there is no objection *per se* to the appointment of an Arbitrator, I appoint Dr. Smt. Justice Shalini Phansalkar-Joshi (Retd.) to act as an Arbitrator.

TERMS OF APPOINTMENT

- (a) **Appointment of Arbitrator:** Dr. Smt. Justice Shalini Phansalkar-Joshi (Retd.) 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 Applicant within one week from the date this order is uploaded.
- (ii) The Advocates for the Applicant will forward an ordinary copy of this order to the learned Sole Arbitrator at the following postal and email addresses:

**Arbitrator/s Dr. Smt. Justice Shalini
Phansalkar-Joshi (Retd.)**

Address Bungalow No.12, Bhagya
Chintamani Society, Opposite
Kachra Depot Paud Road,
Kothrud, Pune – 400411.

Mobile 9657188676

Email phansalkarjoshi@gmail.com

- (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 Applicant 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) **Section 16 application:** The respondent is at liberty to raise all questions of jurisdiction within the meaning of section 16 of the Arbitration Act. All contentions are left open.
- (g) **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.
- (h) **Fees:** The arbitral tribunal's fees shall be governed by the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.
- (i) **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.

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

2. It is made clear that the learned Arbitrator shall take sit and commence the arbitration proceedings from the stage that they are presently at. It is also made clear that the Application filed under Section 17 by the Respondent shall be heard and disposed of by the learned Arbitrator upon entering reference.

3. Noting the fact that the arbitration commenced in the year 2015, the Tribunal is requested to ensure that the same is disposed of within a period of one year from the date of a copy of this order is uploaded.

4. The Petition is accordingly disposed of.

(ARIF S. DOCTOR, J.)