

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**ARBITRATION PETITION NO.72 OF 2024**

Shrimant Popat Dhole & Ors.

... Applicants

V/s.

Bhagwan Sambhaji Choudhar & Ors.

... Respondents

-----

Mr. Shanay Shah a/w Santosh Pathak a/w Nimish Lotlikar a/w Purva Naik a/w  
Chirag Jhakkar a/w Priya Chaturvedi i/by Law Original for the Petitioners.  
Mr. Chaitanya Kulkarni a/w Mr. Aakash Shah & Nehal D. i/by Ranjeet Sangle  
for the Respondents.

-----

**CORAM : ARIF S. DOCTOR, J.**

**DATE : 3RD JULY 2024**

**P.C. :**

1. This is an Arbitration Petition filed under Section 11 of the  
Arbitration & Conciliation Act, 1996 for an appointment of a Sole Arbitrator.

2. I have heard Mr. Shah, Learned Counsel appearing on behalf of  
the Petitioners, who points out that the disputes and differences between the  
parties arise out of a Deed of Reconstitution dated 1<sup>st</sup> September 2021. He  
points out the arbitration clause as Clause No.19 in the said Deed of

Reconstitution. He points out that the disputes and differences which have arisen are partnership disputes. He invites my attention to the fact that the Petitioners have invoked arbitration vide a notice dated 26<sup>th</sup> October 2023.

3. Mr. Kulkarni, appears on behalf of all the Respondents today does not dispute the Agreement nor the arbitration clause. He does not also raise any disputes as to the arbitrability of the disputes. At this stage, he fairly submits that the Respondents have no objection to the appointment of an Arbitrator. Hence this Court appoints Mr. Abhay Khandeparkar, Senior Counsel as a Sole Arbitrator on the following terms :-

#### **TERMS OF APPOINTMENT**

- (a) Appointment of Arbitrator:** Mr. Abhay Khandeparkar, Senior Counsel, 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:

**Arbitrator/s**    **Mr. Abhay Khandeparkar,**  
**Senior Counsel**

*Address*            204/402, 4<sup>th</sup> Floor, Rehman  
House, Nadirshah Sukhia  
Street, Fort, Mumbai 400 001.

*Mobile*            9820144734

*Email*            askhandeparkar@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 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) **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 Mumbai.

4. The Petition is disposed of in these terms. No costs.
5. Learned Counsel for the Respondents undertakes to file his vakalatnama within a period of one week in the Registry.

**(ARIF S. DOCTOR, J.)**