

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 149 OF 2024

Tapaswi Warehousing Corporation Through Swati ...Petitioner
Kedarsingh Tapaswi

Versus

Hindustan Antibiotics Limited Through Mr. Milind ...Respondent
Pahade, Deputy Manager

Mr Prasad Avhad, i/b Kuldeep Nikam, for the Petitioner.

Mr Arjun S Pawar, for the Respondent.

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SANJAY
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Date: 2024.11.28
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CORAM: ARIF S. DOCTOR, J
DATED: 26th November 2024

PC:-

1. The matter was stood over today to enable the parties to submit the name of the Arbitrator. By consent, parties agreed on the name of Mr Bhagwat D Gaikwad, retired District Judge to be appointed as the Sole Arbitrator in respect of the disputes and differences arisen out of a Leave and License Agreement. Hence, the following order:

TERMS OF APPOINTMENT

- (a) **Appointment of Arbitrator.** Mr Bhagwat D Gaikwad, retired District Judge, 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 **Mr Bhagwat D Gaikwad,**
retired District Judge.

Address Flat No. 402, Suryavandan
Apartment, 4th Floor,
Shivajinagr, Gaothan,
Pune 411 005.

Mobile 98901 38902

Email gaikwadjudge@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) 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 the above terms. No costs.

(ARIF S. DOCTOR, J)