

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION APPLICATION NO.163 OF 2023

Semac Consultants Pvt. Ltd.	]	..	Applicant
vs.			
Tata Consultancy Services Ltd.	]	..	Respondent

Mr.Vignesh Kamat a/w Jay Jacob i/b Komal Singh for the Applicant.
Mr.Yash Daddriwal i/b India Law LLP for the Respondent.

CORAM : BHARATI DANGRE, J

DATE : 17th January, 2024.

P.C.

1] The Application filed under Section 11 of the Arbitration and Conciliation Act , seek reference of the disputes arising between the parties out of the Agreement-cum-Work Order dated 04.02.2021 for arbitration.

There is no dispute that the Work Order contain an Arbitration Clause and contemplate a reference of the the disputes for arbitration to be conducted by an Arbitral Tribunal comprising of three members.

2] The dispute arose between the parties and a Demand Notice

was issued on behalf of the Applicant on 03.11.2022, calling upon the Respondent to pay INR Rs.1,38,50,545/- in respect of the work done at Tower 2, 3 and BC, till stage 3 alongwith some additional amounts.

The Respondent denied the claim of the balance amount due and payable and hence arbitration was invoked by notice dated 09.01.2023.

Though there was no consensus as regards the appointment of Arbitrator, the parties, are at ad idem that a Sole Arbitrator shall be appointed to resolve the disputes.

3] The respective counsel are in agreement to the aforesaid fact and leave it to the Court to nominate an Arbitrator for resolving the disputes.

Since the arbitration agreement between the parties is not in dispute, I deem it appropriate to appoint Advocate Sandeep Parikh as Sole Arbitrator to adjudicate the disputes and differences that have arisen between the Applicant and the Respondent.

The details of the proposed Arbitrator are as below :

Advocate Sandeep Parikh

Address : 11-E, Examiner Pres Building,

Dalal Street, Fort, Mumbai – 400 001.

Mobile : 98201 22460

Email : adv.sparikh@gmail.com

The Arbitrator shall, within a period of 15 days before entering the arbitration reference forward a statement of disclosure as contemplated u/s.11(8) r/w Section 12 of the Arbitration and Conciliation Act, 1996, to the Prothonotary and Senior Master of this Court to be placed on record.

The Arbitrator, shall after entering the reference fix the date of first hearing in the week commencing from 29/1/2024 and issue further directions as are necessary.

The Sole Arbitrator shall be entitled for the fees as per Bombay High Court (Fee Payable to Arbitrators) Rules, 2018 and the arbitral costs and fees of the Arbitrator shall be borne by the parties in equal portion and shall be subject to the final Award that may be passed by the Tribunal.

All rights and contentions of the parties are kept open.

Commercial Arbitration Application stand disposed off in the above-said terms.

[BHARATI DANGRE, J]