

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.231 OF 2022

Mahindra and Mahindra Limited] .. Applicant

vs.

Balaji Banaras Commercial Vehicle Pvt. Ltd.] .. Respondent

Mr.Niihal Shaikh a/w Nikhil Shrsekar i/b Mustafa Motiwala for the Applicant.

Ms.Janvi Kursija i/b Chaitanya Bhandarkar for the Respondent.

CORAM : BHARATI DANGRE, J

DATE : 16th January, 2024.

P.C.

1] The Arbitration Application filed under Section 11 of the Arbitration and Conciliation Act, seek appointment of a Sole Arbitrator to adjudicate the disputes that have arisen out of the Dealership Agreement executed between the parties on 05.07.2018.

The Applicant invoked arbitration by notice dated 16.06.2022 and since there was no response at the end of the Respondent, it has filed the present Arbitration Application.

2] The learned counsel representing the Respondent do not dispute the existence of an arbitration clause as well as invocation of the arbitration and her instructions are not to object to the appointment of the Arbitrator for resolving the disputes that have arisen between the parties.

3] In the wake of above, Advocate Mr.Akshay Patil is appointed as Sole Arbitrator to arbitrate the disputes that have arisen out of Dealership Agreement.

The details of the proposed Arbitrator as as below :

Mr.Akshay Patil, 6A Sindhu House, 3/5 Nanabhai Lane,
Fort,Mumbai – 400 001.

Mob. : 98922 52175

Email : ap.akshay@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.

[BHARATI DANGRE, J]