

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.60 OF 2024**

Bharat Petroleum Corporation .. Petitioner
Limited

Versus

Rajesh V. Mishra .. Respondent

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Adv. S.R. Page a/w Ruchi Umrotkar, Archana Joglekar for the
Petitioner.

Mr. Anand Mishra, for respondent

CORAM: BHARATI DANGRE, J.

DATED : 26th MARCH, 2024

P.C:-

1 The Section 9 Petition filed by Bharat Petroleum Corporation Ltd, seek direction against the respondent for deposit of an amount of Rs. 6,25,468/- by way of security, pending hearing and final disposal of the arbitral proceeding.

2 The petition is filed on 28/12/2022, and the respondent on being served and represented through learned counsel Mr. Anand Mishra, is perfectly justified in submitting that since the relief was not granted for the last two years and there is no dispute that the subject agreement contain an arbitration clause, which contemplate resolution of the disputes through arbitration, by consent of the parties, the matter can be referred to a sole arbitrator.

Pursuant thereto, the respective counsels are at consensus that the Section 9 Petition shall be permitted to be treated as an application under Section 17 and the arbitrator shall consider the relief therein with utmost trial.

Upon the application being taken under Section 17 for hearing the respondent is at liberty to file its reply affidavit contesting the reliefs claim therein before the Arbitrator.

3 In the wake of the aforesaid request, Ms. Kausar Banatwala Advocate of this Court is appointed as a sole arbitrator.

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 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.

(SMT. BHARATI DANGRE, J.)