



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION (ARBN) NO.404 OF 2024

ABL Engineering Company A partnership firm thr. its duly authorized partner Mr. Maneet Singh
(Vs.)

M/s Rakhoh Industries Pvt. Ltd.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A.C. Khare, Advocate for applicant.

Mr. R.V. Gahilot, Advocate for non-applicant.

CORAM : G.A. SANAP, J.

DATE : 03.12.2024

1. Heard learned Advocate for the parties.
Perused the record and proceedings.

2. This is an application for appointment of
Arbitrator for resolution of dispute arising between
the parties under the agreement dated 05.05.2023.

3. It is submitted that the agreement
provides a mechanism for resolution of dispute by
way of an arbitration. The claim notice was issued.
The claim notice was replied by the non-applicant.
As far as the dispute on merits is concerned, the
same cannot be gone into while deciding the

application for appointment of an arbitrator. Therefore, in view of the nature of the dispute arising between the parties under the contract/agreement, the Arbitrator is required to be appointed.

4. There is a dispute between the parties with regard to the Seat of Arbitration. Clause No.9 provides that all the matters relating to the arbitration under this agreement shall be subject to jurisdiction in Pune or anywhere in the State of Maharashtra only.

5. Learned Advocate for the applicant submitted that in view of this jurisdiction clause, the seat of the Arbitration should be at Nagpur which is part of Maharashtra.

6. Learned Advocate for the non-applicant submitted that as per this clause, the seat of Arbitration shall be at Pune.

7. I have given thoughtful consideration to the submissions. In my view, considering the

placement of this clause and relevant sentence, it would be just and proper to accept the prayer made on behalf of the non-applicant for holding the Arbitration proceeding at Pune.

8. Learned Advocates have suggested the names of the Arbitrators.

9. In view of the submissions I propose to appoint Smt. Justice Shalini Phansalkar Joshi (Former Judge of Bombay High Court) as Sole Arbitrator.

10. The Registrar (Judicial) to seek disclosure as per Section 11(8) and 12(1) of the Arbitration and Conciliation Act, 1996.

12. The Registry shall do the needful within two weeks.

13. Stand over to **19.12.2024**.

JUDGE