



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 ARBITRATION APPLICATION NO. 7 OF 2025

ARUN ANANTRAO JADHAV

VERSUS

M/S INGLE CONSTRUCTION AND DEVELOPERS

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Mr. Pranit P. Patni h/f. Mr. Pramod Fulchand Patni, Advocate for Applicant.

None for the Respondent.

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CORAM : R. M. JOSHI, J.

DATE : 19th SEPTEMBER, 2025

PC.:-

1. Learned Advocate for the Respondent is duly served. He is absent. The absence of the Respondent indicates that Respondent has no inclination to oppose the application.

2. This application is filed under Section 11 read with Section 21 of the Arbitration and Conciliation Act, 1996 for appointment of Arbitrator. It is the case of the Applicant that Development Agreement came to be executed between the parties on 20th August 2015, in respect of Plot No.66, Survey No.26/1/A, situated at Pethe Nagar, Bhavsingpura, Aurangabad. The said Development Agreement contains various terms and conditions to be complied with by both parties. Clause 21 of the Development Agreement provides for arbitration. The Applicant by invoking the said arbitration clause, issued notice to the Respondents on 21st January 2025. However, the

Respondent has refused to accept the said notice. Hence, this application is filed.

3. Perusal the material placed on record *prima-facie* indicates that the agreement between the parties contains an arbitration clause (Clause 21). In pursuance thereof, notice dated 21st January 2025 came to be issued to the Respondent invoking the said arbitration clause and apparently dispute sought to be raised is covered by the said agreement. The envelope containing the said notice was returned with the remark “refused to accept”. Such refusal amounts to due service upon the addressee. The contention of the Applicant has remained unchallenged.

4. In view of the fact that the agreement between the parties provides for arbitration, and as the dispute sought to be referred is *prima-facie* covered by the terms of the agreement, coupled with compliance of provisions of the Act, this Court finds no hesitation in allowing the application. Accordingly, this Court deems it appropriate to appoint Mr. Justice K. U. Chandiwal (retired) as the sole Arbitrator. This order to be communicated by Petitioner to his Lordship.

5. Application stands allowed in the above terms.

(R. M. JOSHI, J.)