

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 166 OF 2024

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KAMLESH
TALEKAR

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Rajendra Ramchandra Agarwal

...Petitioner

Versus

Rakesh Ramchandra Agarwal
& anr.

...Respondents

Mr. Vijay Upadhyay, for Petitioner

Mr. Bharat Gadhavi a/w. Aniket Shitole and Pratik Sabrad i/b Tejesh
Dande, for Respondent No. 1.

None for Respondent No. 2.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : January 9, 2025

P. C.

1. This is a Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 ("***the Act***") in connection with the Deed of Admission cum Partnership dated October 1, 2010 read with Deed of Partnership dated April 1, 2010 ("***Agreement***") between the Petitioner and the Respondents.

2. Today, when the matter is called out, Learned Counsel for the Petitioner and Respondent No. 1 submit that they are willing to submit all their disputes and differences covered by this Petition to arbitration by Smt. Justice Shalini Phalsalkar Joshi (Retd.).

3. It is stated that Respondent No.2, despite having been issued notice, has not appeared. I see no reason to hold up the matter any further.

4. Consequently, the Petition is disposed of in the following terms :

- a. Smt. Shalini Phansalkar Joshi, Former Judge, Bombay High Court, is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above. The contact particulars are set out below :

Address : Bhagya Chintamani Society,
Opp. Kachra Depot, Paud Road, Kothrud,
Pune 411 038.

Mobile No. : 9657188676

Email : phansalkarjoshi@gmail.com

- b. A copy of this Order shall be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner within a period of one week from today. The Petitioner shall provide the contact and communication particulars of the parties to the Arbitral Tribunal along with a copy of this Order;
- c. The Learned Sole Arbitrator is requested to forward the statutory Statement of Disclosure under Section 11(8) read with Section 12(1) of the Arbitration Act to the parties within a period of two weeks from receipt of a copy of this Order;
- d. The parties shall appear before the Learned Sole Arbitrator on or

before January 20, 2025 to obtain appropriate directions with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc. At such meeting, the parties shall provide a valid and functional email address along with mobile and landline numbers of the respective Advocates of the parties to the Arbitral Tribunal. Communications to such email addresses shall constitute valid service of correspondence in connection with the arbitration;

- e. All arbitral costs and fees of the Arbitral Tribunal shall be borne by the parties equally in the first instance, and shall be subject to any final Award that may be passed by the Arbitral Tribunal in relation to costs; and
- f. The parties have agreed that the venue and seat of the arbitration will be in Pune. It is clarified that it shall be open to the Arbitral Tribunal to conduct the proceedings online through electronic mode.

5. This Arbitration Petition is ***finally disposed of***.

6. Needless to say, any protections that the parties are already entitled to, pending arbitration, shall be presented before the arbitrator for consideration as to what further is to be done about continuation, modification or cancellation of such relief.

7. All actions required to be taken pursuant to this order, shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]