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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

COMM. ARBITRATION PETITION NO. 46 OF 2024

Shweta Ajya Jajoo

...Petitioner

Versus

Pristine Surface Coating LLP and Ors.

...Respondents

Mr.Ooril Panchal a/w *Ms. Vidhi Gosar i/b Mahimtura and Co. for the Petitioner.*

Mr.Nikhil Dongre (Through V.C.) *for the Respondents.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 27, 2025

PC :

1. This a Petition under Section 11 of the Arbitration and Conciliation Act, 1996 ("***the Act***") seeking appointment of an arbitrator to resolve disputes and difference relating to partnership agreement dated January 1, 2021.

2. Today, when the matter is called out, Learned Counsel for the parties, jointly submit that without prejudice to any of the contentions of the either party, leaving all questions open including whether the pre-arbitration procedures have been followed, the disputes and differences between them arising out the partnership agreement, may referred to arbitration by Retired Justice Mrs. Shalini Phansalkar Joshi.

3. In these circumstances, this Petition is ***finally disposed of*** in the following terms:-

a) Justice (Retd.) Mrs. Shalini Phansalkar Joshi, Former Judge of this 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 of the Sole Arbitrator are set out below:

Address:

Bungalow No.12
Bhagya Chintamani Society
Paud Road
Kothrud
Pune – 411 038.

Email id:

phansalkarjoshi@gmail.com

b) A copy of this Order shall be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from today. The parties shall provide the contact and communication particulars of the parties to the Arbitral Tribunal;

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 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 such date and at such place as indicated, 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 Tribunal in relation to costs.

4. 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.]