

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO.106 OF 2024

Prabhav Pathak

...Applicant

Versus

Clarisco Solutions Pvt. Ltd.

...Respondent

Ms Ashmita Goradia *i/b. Anushka Goyal, Advocate for Applicant.*

Ms Hena Gothi *i/b. Omkar Khanvilkar, Advocate for Respondent.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 29, 2025

PC :

1. This is an Application under Section 11 of the Arbitration and Conciliation Act, 1996 (***“the Act”***) seeking appointment of an arbitrator. There is an arbitration agreement between the parties contained in the Development Agreement dated August 4, 2022, which is said to have been executed in September 2022. It is evident upon review of the arbitration agreement that this matter falls within the jurisdiction of the Court.

2. Today, when the matter is called out, Learned Counsel for the parties agreed that disputes and differences between them may be referred to resolution by an arbitral tribunal.

3. In these circumstances, the Application deserves to be allowed, and consequently, we pass the following order:

a] Ms Ruchi Patil, an Advocate 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 details of the Learned Arbitrator are set out below:-

Address : C/o. Ms Deepa Chawan,
17, 1st Floor,
Raja Bahadur Compound,
Near Bombay House,
29-41, Tamarind Lane,
Fort, Mumbai – 400 023.
Email ID : ruchi.patilo79@gmail.com

b] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from the date of this order being made available on the website of this Court. The Applicant 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 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; and

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. This Application is ***finally disposed of*** in the aforesaid terms.

5. 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.]