
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

COMMERCIAL ARBITRATION APPLICATION NO.180 OF 2024

Kamlesh Pal ...Applicant
Versus
B N Clothing ...Respondent

Ms Sadhna Singh *a/w. Nishi Sawant, Advocate for Applicant.*

Mr. I.K. Tripathi *a/w. Bindvasini, Advocate for the 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 to refer disputes and differences between the parties in connection with a Partnership Deed dated October 9, 2013 to arbitration.

2. It is evident that the Partnership Deed contains an arbitration clause. The Applicant is the former partner of the Respondent-B.N. Clothing and he has retired from the partnership firm on January 21, 2021. Consequently, pursuant to such retirement, disputes have arisen between the parties relating to settlement of accounts and payment due and receivable by the Applicant from the Respondent firm. Hence, this Application has been taken out.

3. Today, when the matter is called out, Learned Counsel for the parties graciously agree that considering the scale of the dispute they would submit the disputes between the parties for resolution by an sole arbitrator hereby appointed.

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

a] Mr. Prateek Pansare, a Learned 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 : 11 C, Examiner Press Building,
Dalal Street, Near BSE,
Fort, Mumbai – 400 001.
Email : prateek@pansare.in

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 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 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.

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

6. 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.]