



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 ARBITRATION APPLICATION NO. 24 OF 2025

M/S BHAGWAN SHIKSHAN PRASARAK MANDAL THROUGH ITS
SECRETARY RAJIV YADAVRAO KHEDKAR

VERSUS

GARUD ZEP CAREER ACADEMY THROUGH ITS PROPRIETOR MR
NILESH SAHEBRAO SONAWANE

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Advocate for Applicant : Mr. G.R.Syed
Advocate for Respondent : Mr. K.D. Jadhav

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CORAM : ARUN R. PEDNEKER, J.

Dated : March 09, 2026

P.C. :

- 1 Heard.
2. The present application is filed under section 11 of the Arbitration and Conciliation Act, 1996 for appointment of Arbitrator.
3. The learned counsel for the applicant submits that disputes have arisen between the parties out of Memorandum of Partnership (MOU) dated 28.2.2022. Clause No.20 of the MOU provides for resolution of the disputes by arbitration. Clause 20 of MOU is as under :-

“20. Arbitration :

1. It has been mutually agreed between the parties hereto that in case of any disputes arising between the parties hereto in the matter of implementations of the terms of MOU or its understanding or its enforcement, the same shall be resolved among both the parties by way of mutual discussion.
2. In case no solution is arrived after the mutual discussion, the matter shall be resolved through a sole arbitrator appointed in accordance to the Arbitration and Conciliation Act.”
4. The learned counsel for the applicant submits that he has issued

notice to the respondent for appointment of arbitrator, but he failed to appoint the arbitrator. Hence, the present arbitration application is filed.

5. The learned counsel for the applicant submits that in the notice dated 4.7.2023 he has given three names of arbitrators. The learned counsel for respondent has agreed to the name of Shri Shankar Trimbakrao Dhawale, Retired District Judge, who can be appointed as an Arbitrator to decide the disputes arising between them.

5. Accordingly, the arbitration application is disposed of with following order :

a] **Appointment of Arbitrator :-**

Shri Shankar Trimbakrao Dhawale, Retired District Judge, is appointed to act as sole arbitrator to adjudicate upon the disputes between the parties.

b] **Communication to Arbitrator of this order :**

(i) A copy of this order will be communicated to the learned Sole Arbitrator by the Advocates for the applicant within one week from the date this order is uploaded.

(ii) In addition, within one week of this order being uploaded, the Registry will forward an ordinary copy of this order to the learned Sole Arbitrator at the following post and email addresses :

Arbitrator : Shri Shankar Trimbakrao Dhawale,

**Address : R/o. K-16, Jabinda Residency, Devanagari,
Shahanoorwadi, Aurangabad**

c] **Disclosure :**

The learned Sole Arbitrator is requested to forward the necessary statement of disclosure under Section 11 (8) read with Section 12 (1) of the Arbitration Act to the Registrar of this Court, referencing this

arbitration application, as soon as possible, and in any case sufficiently before entering upon the reference to arbitration. That statement will be retained by the Registrar on the file of this application. Copies will be given to both sides.

d] Appearance before the Arbitrator :

Parties will appear before the learned Sole Arbitrator on such date and at such place as the learned Sole Arbitrator nominates to obtain appropriate directions in regard to fixing a schedule for completing pleadings, etc.

e] Contact / communication information of the parties :

Contact and communication particulars are to be provided by both sides to the learned Sole Arbitrator within one week of this order being uploaded. The information is to include a valid and functional email address.

f] Section 16 application :

The respondent is at liberty to raise all questions of jurisdiction within the meaning of section 16 of the Arbitration Act. All contentions are left open.

g] Interim Application/s :

(i) Liberty to the parties to make an interim application or interim applications including (but not limited to) interim applications under Section 17 of the Arbitration & Conciliation Act, 1996 before the learned Sole Arbitrator.

(ii) Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.

h] Fees :

The arbitral tribunal's fees shall be governed by the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.

i] **Venue and seat of arbitration :**

Seat of the arbitration would be governed by the provisions of the agreement executed between the parties.

[ARUN R. PEDNEKER, J.]

ssc/-