



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

966 ARBITRATION APPLICATION NO. 53 OF 2025

Mr Ashok Kumar Ram Milan Singh

VERSUS

M/s Manoj Kumar Construction Company And Others

Advocate for Applicant : Mr. J. N. Singh h/f Mr. Sange Sunil Laxmanrao
Advocate for Respondents No.3 to 5: Mr. S. S. Kulkarni h/f Mr. Azad Suraj H.

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CORAM : ARUN R. PEDNEKER, J.

Dated : March 18, 2026

PER COURT :

1. Heard.

2. The present application is filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator. The learned Counsel for the applicant submits that there is a partnership deed between the parties and Clause 18 of the Reconstituted Deed of Partnership dated 16/01/2007 provides for resolution of disputes through arbitration. It is submitted that if any dispute arises between the parties, the same can be adjudicated in terms of Clause 18, which reads as under:

"18. That, any dispute or difference which may arise between the parties or their representatives with regard to construction, meaning and effect of this deed or any part thereof or in respect to accounts, profits or losses of the business or any other matter relating to them partnership business either during or after the partnership shall be referred to Arbitration under "Indian Arbitration Act", in force, at the time of the dispute."

3. The dispute has arisen between the parties. The learned Counsel for the applicant submits that he has issued a notice dated 29/09/2025 invoking the arbitration clause. The respondent has replied to the said notice by reply

dated 24/10/2025 contending that there is no dispute between the parties and that all disputes have already been settled and the claim is barred by limitation.

4. Prima facie, there is a dispute between the parties arising out of the Partnership Deed and this Court deems it appropriate to exercise powers under Section 11(6) of the Arbitration and Conciliation Act for appointment of an Arbitrator.

5. The parties are ad idem and have agreed to appoint learned Advocate Mr. Mukul S. Kulkarni for Arbitration of the disputes between the parties. Accordingly, the arbitration application is disposed of with following order :

a] **Appointment of Arbitrator :-**

Advocate Mr. Mukul S. Kulkarni 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	:	Advocate Mr. Mukul S. Kulkarni
Address	:	B-7, 2 nd Floor, Pratap Complex, Labour

Chowk, N-2, CIDCO, Aurangabad.

Phone No. : 9890611131

E-mail : **advmrkulkarni@gmail.com**

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 and the parties to obtain appropriate directions from the arbitrator 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 :**

As per the Arbitration and Conciliation Act.

i] **Sharing of costs and fees :**

As per the Arbitration and Conciliation Act.

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

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

All the contentions of the parties are kept open to be urged before the learned Arbitrator.

(ARUN R. PEDNEKER, J.)

vj gawade/-.