

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

ARBITRATION PETITION (CIVIL) NO. 18 OF 2013

M/S SANKALP RECREATION (P) LTD.

Petitioner(s)

VERSUS

SHAH FAMILY ENTERPRISES INC. & ANR.

Respondent(s)

O R D E R

1) Office Report dated 09.08.2017 indicates that though service of show cause notice is complete, no one has entered appearance on behalf of the respondents.

2) Heard the learned counsel appearing for the petitioner.

3) This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 to appoint an arbitrator in accordance with the License Agreement dated 15.12.2010. Clauses 27 and 28 of the said Agreement read as follows:-

"27. This agreement shall be governed by the prevailing laws of India. Any dispute/claim or contentions in respect of or arising out of or relating in any matter to the provisions of this agreement shall be settled amicably. Should such Amicable Settlement prove impossible then the same shall be settled by arbitration under the rules of arbitration.

28. This agreement is executed and signed at Ahmedabad and therefore the court of Ahmedabad have jurisdiction."

4) It can be seen that the agreement itself is executed and signed at Ahmedabad and the Courts at Ahmedabad are therefore given the jurisdiction. The present is an International Commercial Arbitration for the reason that the respondents are residents of Cypress, Texas, United States of America.

5) This being the case and a notice dated 10.08.2012 having been served as disputes having arisen to which there is a reply dated 11.09.2012, followed by a notice dated 24.11.2012 in which the petitioner sought appointment of a sole arbitrator. To this notice there was no reply.

6) Since there was no reply to the last notice and the requisite time has passed, we appoint Hon'ble Mr. Justice C.K. Thakker, former Judge of this Court, as sole arbitrator to arbitrate the disputes between the parties.

7) The Arbitration petition is disposed of accordingly.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(SANJAY KISHAN KAUL)

New Delhi;
August 23, 2017.

ITEM NO.3

COURT NO.13

SECTION XVI -A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Arbitration (Civil) No(s). 18/2013

M/S SANKALP RECREATION (P) LTD.

Petitioner(s)

VERSUS

SHAH FAMILY ENTERPRISES INC. & ANR.

Respondent(s)

Date : 23-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Nakul Dewan, Adv.
Mr. Pradhuman Gohil, Adv.
Mr. Vikash Singh, AOR
Ms. Taruna Singh Gohil, Adv.
Mr. Himanshu Chaubey, Adv.
Ms. Ishita Singh, Adv.
Mr. Vinayak Panikkar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The Arbitration petition is disposed of in terms of the signed
order.

Pending applications, if any stand disposed of.

(R. NATARAJAN)
COURT MASTER(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)