

HIGH COURT OF GUJARAT**M/S MERIDIAN HOTELS PRIVATE LIMITED**
Versus
M/S OYO HOTELS AND HOMES PRIVATE LIMITED**Date of Decision:** 08 October 2021**Citation:** 2021 LawSuit(Guj) 3412**Hon'ble Judges:** [Ashutosh J Shastri](#)**Case Type:** Petn Under Arbitration Act**Case No:** 48 of 2020, 53 of 2020**Subject:** Arbitration, Civil**Acts Referred:**[Arbitration And Conciliation Act, 1996 Sec 11\(8\), Sec 12\(1\)\(b\), Sec 11](#)**Final Decision:** Petition disposed**Advocates:** [Chirag K Sukhwani](#), [Nanavati Associates](#)**Ashutosh J Shastri, J.**

[1] By way of the present Arbitration Petitions, the petitioner has sought relief under Section 11 of the Arbitration and Conciliation Act, 1996 for seeking appointment of Arbitrator to resolve the disputes arose between the parties.

[2] By referring to the averments contained in the petition it has been submitted that in respect of the management services agreement for Hotel Kanak Comfort with M/s. Alcott Town Planners Private Limited, now known as M/s. Oyo Hotels and Homes Private Limited, the dispute arose between the parties to the present proceedings and there are as many as 26 disputes pointed out in the petition while seeking appointment of Arbitrator.

[3] Pursuant to the clause contained in the agreement about the reference to arbitration, it appears that the Coordinate Bench of this Court was pleased to issue notice vide the orders dated 21.09.2021 and 18.09.2020 in both the petitions respectively, and after fixation of date of hearing vide Civil Application No. 1 of 2021 in

both the petitions, the present petitions have come up for consideration before this Court.

[4] When the petitions are taken up for hearing, the learned advocates appearing on behalf of both the sides, have at the outset submitted that there is a consensus arrived at between both the sides for the name of learned Arbitrator to be appointed to resolve the disputes between the parties and have jointly submitted that the parties have agreed to request the Hon'ble Mr. Justice K.S. Jhaveri (retired Chief Justice of Orissa High Court, previously as the Honourable Judge of the Gujarat High Court) to resolve the dispute inter se between the parties.

[5] After taking consent from the Honourable Mr. Justice K.S. Jhaveri (retired Chief Justice of Orissa High Court, previously as the Honourable Judge of the Gujarat High Court), the declaration is also produced on record today as required under the provisions of the Act precisely in terms of Sixth Schedule, under section 11(8) read with 12(1)(b) of the Arbitration and Conciliation Act, 1996 as amended by the Arbitration & Conciliation (Amendment) Act, 2019. The same is taken on record.

[6] In view of the aforesaid consensus having been arrived at to get the disputes resolved through the aforementioned Honourable Judge, the Court deems it proper to dispose of the present arbitration petitions by requesting Hon'ble Mr. Justice K.S. Jhaveri (retired Chief Justice of Orissa High Court, previously as the Honourable Judge of the Gujarat High Court) to act as the sole Arbitrator to resolve the disputes between the parties in accordance with the provisions of the Act.

[7] Both the petitions stands disposed of accordingly.