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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.386 OF 2013

Nuclear Power Corporation of India	...Petitioner
V/s.	
Thiruchittampalam Associates India Pvt. Ltd.	...Respondent

Mr.G.R. Joshi, Senior Counsel with Ms.Neeta Jain, Ms.Shubhangi Salvi and Ms.L. Munim i/b M/s.Rajesh Kothari & Co. for the Petitioner.

Mr.B. Vijay with Mr.E.C. Ramesh i/b Mr.Atul Singh for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 20TH MARCH, 2015.

P.C. :-

1. By consent of the parties, the following order is passed :-
 - a). The impugned award dated 7th February, 2013 passed by the learned arbitrator is set aside.
 - b). The original proceedings filed by both the parties before the learned arbitrator are restored to file. Both the parties are also permitted to file an additional pleadings in support of their existing claims, which was the subject matter of the earlier proceedings and file evidence, if necessary.
 - c). The Managing Director of the petitioner is permitted to

appoint a new arbitrator in terms of clause 59 of the General Conditions of Contract, which appointment shall be made within four weeks from the date of this order. The name of the learned arbitrator shall be communicated to the respondent simultaneously.

d). The learned arbitrator shall make an endeavour to dispose of the arbitral proceedings within six months from the date of the first meeting and shall decide the matter afresh in accordance with law and without being influenced by the findings and observations rendered by the learned arbitrator in the impugned award.

e). All the contentions of both the parties are kept open.

f). Insofar as the seat of the arbitration proceedings is concerned, both the parties are at liberty to make such application before the learned arbitrator, who shall decide the seat of arbitration in accordance with law.

2. The arbitration petition is accordingly disposed of in the aforesaid terms.

3. There shall be no order as to costs.

(R.D. DHANUKA, J.)