

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.877 OF 2014**

Indus Engineering Company ...Petitioner

V/s.

1.Engineering Projects (India) Limited and Ors. ...Respondents.

Mr.Kedar Wagle i/b Mahesh Chavan for the Petitioner.

Mr. Shyam Kapadia i/b Gunjan Chaubay for the Respondents.

CORAM : R.D. DHANUKA, J.

DATED : 24th AUGUST, 2015.

PC.:

1. By this Arbitration Petition filed under section 14 of the Arbitration and Conciliation Act, 1996, the petitioner seeks a declaration that respondent no.3, who was appointed as a sole arbitrator, is unable to perform his functions and seeks appointment of independent and impartial person as an arbitrator.

2. The Arbitration petition is filed mainly on two grounds:

Respondent No.3 being an employee of respondent no.1 is appointed as an arbitrator and would be biased and that there was delay on the part of the learned arbitrator in proceeding with the arbitration proceeding.

3. Mr. Wagle, the learned advocate appearing for the petitioner states that he is not pressing allegations of bias at this stage since the petitioner has not so far appeared before the learned Arbitrator.

4. Insofar as allegation of delay in the present proceeding is concerned, perusal of record indicates that respondent no.3-Arbitrator had issued a notice to the petitioner to remain present. For the reasons known to the petitioner, the petitioner did not appear before the learned Arbitrator. Petitioner addressed a letter dated 6/2/2014 to the learned arbitrator requesting to keep the meeting after three weeks from the said date. Perusal of record indicates that the petition was lodged on 27/3/2014 and since then the arbitration petition was pending in this Court.

5. Mr. Kapadia, learned counsel appearing for respondent on instructions from his client and on upon making enquiry from the learned arbitrator states that respondent No.3 can proceed with the arbitration proceeding expeditiously and dispose of the arbitration proceeding within 6 months. Statement is accepted.

6. In my view in the interest of justice, the learned arbitrator appointed by respondent no.1 can be directed to proceed with the arbitration proceeding and to dispose of the same within 6 months. Both the parties are directed to cooperate with each other and the learned arbitrator in expeditious disposal of the arbitration proceeding. No parties shall apply for unnecessary adjournments before the arbitrator. I accordingly pass the following order:

- a) Learned Arbitrator to proceed with the arbitration proceeding and to make an award within 6 months from the date of first meeting.
- b) Parties to cooperate with each other and with the learned Arbitrator. No unnecessary adjournments shall be asked for.

- c) Arbitration Petition is disposed of. No order as to costs.

(R. D. DHANUKA, J.)