

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION NO. 55 OF 2015
IN
ARBITRATION APPLICATION NO. 45 OF 2015

Sukhawant Dhadha

..... Petitioner

VERSUS

M/s.Vijay Galani Movies

..... Respondent

Mr.P.G.Lad for the Petitioner.

Mr.Rammani Upadhyay for the Respondent.

CORAM : R.D. DHANUKA, J.

DATED : 12th AUGUST, 2015

P.C.

By this review petition, the applicant seeks recall of the order dated 30th June, 2015 passed by the learned designate of the Chief Justice in Arbitration Application No.45 of 2015 thereby appointing the learned arbitrator.

2. The present review petition is filed basically on three grounds, (1) that the applicant had suppressed from this court that the applicant had applied for adjudication of its claim before the Indian Film and Television Producers Council and Federation of Western India Cine Employees and (2) the fees charged by the learned arbitrator is exorbitant, (3) the learned arbitrator has not given sufficient opportunity to the applicant to represent his case.

3. It is submitted that the date of hearing already fixed by the learned arbitrator is preponed by sending SMS/letter. The petitioner thus could not remain present before the learned arbitrator.

4. Learned counsel appearing for the respondent on the other hand submits that though under the arbitration agreement, the applicant had issued a notice to the said council for adjudication of the disputes, the applicant was not aware as to when the said council conducted the arbitral meetings and rendered an award. It is submitted that the appearance of the authorized representative of the respondent shown in the arbitral award is also incorrectly shown. He submits that the respondent or his representative never appeared before the said council and the said award has been rendered ex-parte. He submits that the respondent does not seek to implement any such ex-parte award. Statement is accepted.

5. Insofar as fees demanded by the learned arbitrator is concerned, it is stated by the learned counsel for the respondent that the respondent has already deposited a sum of Rs.75,000/- with the learned arbitrator as directed by her. It is submitted that the review applicant has however not deposited his contribution of the fees with the learned arbitrator. It is the case of the review applicant that the review applicant cannot afford to pay the fees of the learned arbitrator. It would not be appropriate to make any observations about the fees directed to be deposited by the learned arbitrator at this stage.

6. Insofar as submission of Mr.Lad, learned counsel for the review applicant that the learned arbitrator has not given any proper notice to the review applicant or that the date of the meeting was preponed is concerned, the same is denied by the learned counsel for the respondent. It is made clear that the learned arbitrator shall give sufficient advance notice to both the parties before fixing any date of hearing.

7. Without going into the issue whether the review petition is maintainable or

not, I have heard the learned counsel appearing for the parties and have passed the aforesaid appropriate order.

8. Both the parties are directed to appear before the learned arbitrator and shall co-operate with each other and with the learned arbitrator in expeditious disposal of the arbitral proceedings. If the applicant does not pay his contribution of the fees to the learned arbitrator, the learned arbitrator may pass appropriate order under the provisions of Arbitration and Conciliation Act, 1996.

9. Review petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]