

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 330 OF 2014

Gammon India Limited ... Applicant

Versus

Western Railway ... Respondent

Mr. Ashish Kamat a/w. Shyam Kapaida, Mr. Deepak Rai, Mrs. Smruti Kanade i/b. M/s. Negandhi, Shah and Himayatullah for the Applicant.
Mr. Suresh Kumar for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 25TH FEBRUARY, 2015

P.C.

1. The Applicant - Gammon India Limited and the Respondent - Western Railway have entered into a Contract Agreement bearing No. C & S / 949 dated 21st March, 2001 (the said Contract). The Applicant had to carry out its activities in consonance with the General Conditions of Contract (GCC) and the Special Conditions of Contract (SCC) as more particularly set out in the said Contract. Admittedly, GCC and SCC are incorporated as a part of the said Contract dated 21st March, 2001 executed between the Applicant and the Respondent.

2. Since, disputes arose between the Applicant and the Respondent, they appointed Mr.VS. Karandikar and Mr. Sundeep Pal as Arbitrators. However, both the learned Arbitrators are unable to reach an

agreement qua the appointment of a third / presiding Arbitrator. The Applicant have therefore filed the present Application seeking appointment of a third / presiding Arbitrator. Hence, I pass the following order :

Mr. Sanjay Kothari, Advocate is appointed as third / presiding Arbitrator.

The above Arbitration Application is accordingly disposed of.

(S.J. KATHAWALLA, J.)