

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 158 OF 2013

Union of India,
Through Chief Engineer, Central Railway **Petitioner**

VERSUS

M/s.Heeren & Company **Respondent**

WITH

ARBITRATION PETITION NO. 200 OF 2013

M/s.Heeren & Company **Petitioner**

VERSUS

Union of India,
Through Chief Engineer, Central Railway **Respondent**

Mr.Suresh Kumar for the Petitioner in Arbitration Petition No.158 of 2013 and for the Respondent in Arbitration Petition No.200 of 2013.

Mr.Devrat Singh, i/b.Mr.Victor Basu for the Petitioner in Arbitration Petition No.200 of 2013 and for the Respondent in Arbitration Petition No.158 of 2013.

CORAM : R.D. DHANUKA, J.

DATED : 9th FEBRUARY, 2015

P.C.

By consent of parties, following order is passed :-

1(a) Arbitral award dated 26th September, 2012 passed by the arbitral tribunal is set aside in toto.

(b) Parties have no objection if the matter is heard by the same arbitral tribunal. It is made clear that if any of the member of the arbitral tribunal is not available, the vacancy

shall be supplied with in accordance with the provisions of the arbitration agreement.

(c) Both parties have agreed to rely upon the pleadings and the documents already forming part of the record before the arbitral tribunal. If any of the party seeks to lead any oral evidence, the application shall be considered by the arbitral tribunal in accordance with law.

(d) Arbitral tribunal is directed to decide afresh in accordance with law without being influenced by any of the observations, findings and conclusion rendered by the arbitral tribunal in the impugned award dated 26th September, 2012. All contentions raised by both parties are kept open.

(e) Both parties have agreed to co-operate with each other and with the learned arbitrator.

(f) Arbitral tribunal is requested to dispose of the arbitral proceedings within six months from the date of the first meeting.

2. Both the arbitration petitions are disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]