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

NOTICE OF MOTION NO.446 OF 2014
IN
ARBITRATION PETITION NO.577 OF 2012

Pushpam Communications ...Applicant

IN THE MATTER BETWEEN :

M/s.Reliance Webstore Pvt. Ltd. ...Petitioner

V/s.

Pushpam Communications ...Respondent

Ms.Gaurai Deshpande i/b Mrs.Neha Bhide for the Applicant / Respondent.

None for the Petitioner.

CORAM : R.D. DHANUKA, J.
DATE : 30TH JUNE, 2016.

P.C. :-

1. By this notice of motion, the applicant seeks modification of the order dated 4th February, 2013 passed by this Court to the extent of appointment of the learned arbitrator appointed by this Court vide order dated 4th February, 2013 is concerned. By the said order, this Court while setting aside the impugned award dated 26th January, 2012 had appointed Mr.Mangal Bhandari, Advocate as a sole arbitrator. Both the learned counsel had suggested this Court that an

arbitrator be appointed.

2. Learned counsel for the applicant (original respondent) submits that since the applicant was not present in Court and had not given instructions to its counsel to agree to the name of Mr.Mangal Bhandari, Advocate as a sole arbitrator, the order passed by this Court shall be recalled.

3. In my view, the notice of motion filed by the applicant is thoroughly misconceived. Learned counsel for the parties, including the learned counsel for the respondent in the said proceedings had not suggested any name. Only suggestion of the learned counsel was to appoint a new arbitrator. This Court accepted the said suggestion of the learned counsel and appointed a counsel of this Court as a sole arbitrator.

4. No case is thus made out for recall of the said order dated 4th February, 2013 passed by this Court. The parties are directed to proceed with the arbitral proceedings before the learned arbitrator expeditiously.

5. The notice of motion is dismissed. No order as to costs. The applicant is directed to convey this order to the petitioner as well as to the learned arbitrator within one week from today.

(R.D. DHANUKA, J.)