

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 221 OF 2015

M/s Schindler India Pvt. Ltd. ... Applicant

Versus

Linkson Projects and Infrastructure Ltd. ... Respondent

Ms. Kirti Saloni i/b. Navdeep Vora and Associates for the Applicant.
None for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 15TH FEBRUARY, 2016

P.C.

1. On 8th February, 2016 this Court passed an order, paragraph 9 of which is relevant and is reproduced hereunder :

“9. It is therefore clear that the Respondent has failed to appoint an Arbitrator to resolve their disputes. Hence, the following order :

i. The Court proposes to appoint Mr. Shyam Kapadia, Advocate to decide the disputes of the Applicant and the Respondent arising out of the Contract dated 14th May, 2012. In view thereof, Mr. Shyam Kapadia, Advocate shall submit disclosure under Section 11 (8) read with Section 12 (1) of Arbitration and Conciliation Act, 1996.

ii. The Advocates for the parties shall forward a copy of this order to Mr. Shyam Kapadia, Advocate as well as to the Respondents.

iii. All concerned to act on an ordinary copy of this order, duly authenticated by the learned Associate of this Court.

iv. Stand over to 12th February, 2016.”

2. Pursuant to the above order, Mr. Shyam Kapadia, Advocate has filed disclosure under Section 11(8) read with Section 12(1) of the Arbitration and

Conciliation Act, 1996. The same is taken on record and the following order is passed by consent :

- i. The disputes arising out of the Contract dated 14th May, 2012 between the parties are referred to the sole Arbitration of Mr. Shyam Kapadia, Advocate.
 - ii. The parties shall appear before the learned Arbitrator in his chambers, on 18th February, 2016 at 5.30 p.m. and obtain necessary directions.
 - iii. The cost of arbitration shall initially be borne by the parties equally.
 - iv. All contentions of the parties are kept open.
 - v. The venue of Arbitration shall be at Mumbai.
3. In view of this order, the above Arbitration Application is disposed of.

(S.J.KATHAWALLA, J.)