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

COMANY PETITION NO. 859 OF 2014

Sukhdev Yadav

...Petitioner

VS

Gammon India Ltd.

...Respondent

.....

Mr Karan Bhosale i/b Shavez Mukri & Wasim Ansari for the Petitioner
Dr Birendra Saraf a/w Mr Shyam Kapadia a/w Ms Smruti Kanade i/b
Negandhi Shah & Himayatullah for Respondent.

Mr Prasad Dixit, Sr. Manager, Legal, Mr J.L.Ashar, V.P. & Head of work
survey section and Mr Dalraj Thakur, Asstt. Manager, Legal present in
person.

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CORAM : B. P. COLABAWALLA J.

JUNE 07, 2016

P.C. :

This Company Petition has been filed seeking to wind up
the Respondent Company - Gammon India Ltd. on the ground that the
Respondent is unable to pay its debts. It is the case of the Petitioner
that the Respondent Company is indebted to the Petitioner in the
sum of Rs.4.82 Crores. After the matter was argued for some time,
both the parties have agreed that the disputes in present Company
Petition can be referred to Arbitration under the provisions of the
Arbitration and Conciliation Act, 1996.

2 In this view of the matter, the following order is passed by consent of the parties:

- (i) All the disputes in present Company Petition are referred to Arbitration under the provisions of the Arbitration and Conciliation Act, 1996;
- (ii) It is agreed between the parties that the aforesaid disputes shall be referred to a Sole Arbitrator who shall be appointed by the Managing Director of the Respondent Company. The arbitrator shall not be connected with the work and / or the disputes raised in the Company Petition and / or be an employee of the Company;
- (iii) All contentions of both the parties are kept open (including the issue of limitation) to be agitated before the Sole Arbitrator;
- (iv) The Respondent Company is at liberty to raise the issue of limitation as a preliminary issue before the Arbitrator, who will decide whether it should be heard as a preliminary issue or whether it should be decided with all

other issues and this will be at the sole discretion of the Sole Arbitrator;

- (v) The Sole Arbitrator shall be free to decide his fees and the procedure to be followed in the arbitration. The costs of the arbitration shall be borne equally by the Petitioner and the Respondent Company;

3 The Company Petition is disposed of in the aforesaid terms. There shall be no order as to costs.

(B. P. COLABAWALLA J.)