

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 275 OF 2015

NCC Limited (Formerly known as Nagarjuna

Construction Company Limited)

... Applicant

Versus

Khubchandani Hospitals Pvt. Ltd.

... Respondent

Mr. Kedar Waghe for the Applicant.

Mr. Cyrus Ardeshir i/b. Dastur Kalambi and Associates for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 29TH JANUARY, 2016

P.C.

1. On 25th January, 2016 this Court passed the following order :

“1. By consent of the parties, the disputes in the above Arbitration Application are proposed to be referred to Mr. E.P.Bharucha, Senior Advocate. In view thereof, Mr. E.P.Bharucha, Senior Advocate., shall submit disclosure under Section 11(8) read with Section 12(1) of Arbitration and Conciliation Act, 1996.

2. The Advocates for the parties shall forward a copy of this order to Mr. E.P.Bharucha, Senior Advocate.

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

4. Stand over to 29-01-2016.”

2. Pursuant to the above order, Mr. E.P.Bharucha, Senior 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 Letter of Acceptance dated 8th April, 2010, Supplementary Agreement dated 12th August, 2011 and Second Supplementary Agreement dated 5th March, 2012 between the parties are referred to the sole Arbitration of Mr. E.P.Bharucha, Senior Advocate.
 - ii. In view of the claim of the Applicant and the counter claim of the Respondent, the same are referred to the sole Arbitrator. However, since the parties are trying to amicably settle the matter, the first meeting before the learned Arbitrator shall be held after the period of four weeks from the date of this order.
 - 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.)