

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 49 OF 2016**

Atlanta Limited ... Applicant

Versus

Executive Engineer and Anr. ... Respondents

Mr. M.M. Vashi, Sr. Adv. a/w. Ms. A. Deokar i/b. M.P. Vashi & Associates for the Applicant.

Mr. J.S. Saluja, AGP, for Respondent Nos. 1 and 2.

CORAM : S.J. KATHAWALLA, J.
DATED : 18TH MARCH, 2016

P.C. :

1. Pursuant to the order of this Court dated 23rd February, 2016, Dr. Justice S. Radhakrishnan (Retd.) has filed disclosure under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996. The disclosure is taken on record and the following order is passed :

i. The disputes arising out of Agreement dated 7th July, 2000 between the parties are referred to the Arbitration of Mr. Justice D.K. Deshmukh (Retd.) and Dr. Justice S. Radhakrishnan (Retd.).

ii. Mr. Justice D.K. Deshmukh (Retd.) and Dr. Justice S. Radhakrishnan (Retd.) shall appoint the third Arbitrator who shall act as the Presiding Arbitrator.

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.
- 2. In view of this order, the above Arbitration Application is disposed of.

(S.J.KATHAWALLA, J.)