

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.109 OF 2015**

M/s. Kimiya Engineers Pvt. Ltd.	...	Applicant
versus		
Engineers India Ltd.	...	Respondent

Ms. Shilpa Kapil, for Applicant.
Ms. Debashree Mandpe i/by Mrs. Rekha Rajagopal, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 3rd MARCH, 2016

P.C.:

1. On 26-02-2016, this Court passed the following order :

“1. On 23rd February, 2016, this Court passed the following order :

“1. The learned Advocates appearing for the parties have informed the Court that the Court may appoint any Advocate as the sole Arbitrator to decide the disputes between the parties arising out of the Agreement dated 4th September, 2013. The Court proposes to appoint Mr. Sanjay Kothari, Advocate. In view thereof, Mr. Sanjay Kothari, 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. Sanjay Kothari, 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 26th February, 2016”.

2. *However, Mr. Sanjay Kothari, Advocate, has expressed his inability to act as an Arbitrator in the matter. In view thereof, the Court proposes to appoint Mr. Minoo Siodia, Advocate & Solicitor to decide the disputes between the parties arising out of the Agreement dated 4th September, 2013. In view thereof, Mr. Minoo Siodia, Advocate & Solicitor shall submit disclosure under Section 11 (8) read with Section 12 (1) of Arbitration and Conciliation Act, 1996.*
3. *The Advocates for the parties shall forward a copy of this order to Mr. Minoo Siodia, Advocate & Solicitors.*
4. *All concerned to act on an ordinary copy of this order, duly authenticated by the learned Associate of this Court.*
5. *Stand over to 2nd March, 2016.*

2. Pursuant to the above order, Mr. Minoo Siodia, Advocate and Solicitor, 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. All the disputes arising out of the Agreement dated 4th September, 2013 between the parties are referred to the sole Arbitration of Mr. Minoo Siodia, Advocate and Solicitor.

- ii. The parties shall appear before the learned Arbitrator in his chambers, on 10th March, 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.)