

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.21 OF 2016**

Adarsh Infrainterio Pvt. Ltd. ... Applicant
versus
Central Institute of Fisheries Education ... Respondent

Ms. Priyanka Pawar, for Applicant.
Mr. P.R.Ninawe, Personal Assistant of Respondent present.

CORAM: S.J. KATHAWALLA, J.

DATE: 1st SEPTEMBER, 2016

P.C.:

1. On 23rd September, 2015 this Court (Coram : R.D.Dhanuka, J.) passed the following order :

“There is no dispute that the Arbitration agreement exist. Since the respondent has not appointed any arbitrator in accordance with the arbitration clause and within the time prescribed, the respondent cannot now appoint any arbitrator in accordance with arbitration clause.

2. By consent of parties, Shri Justice R.Y.Ganoo, former Judge of this Court is appointed as a sole Arbitrator.

3. Arbitration Application is disposed of in the aforesaid terms. No order as to costs.”

2 In the first meeting before the learned Arbitrator, the Respondent refused to pay his fees. They also did not bother to approach this Court to convey their problem/difficulty, if any. The learned Arbitrator therefore, was unable to

proceed with the Arbitration. In view thereof, the Applicant has taken out a fresh application seeking appointment of an Arbitrator in the matter. The conduct of the Respondent is strongly deprecated. However, by consent of the parties, Mr. Rashmin Khandekar, Advocate, is appointed as Sole Arbitrator to decide the disputes between the parties.

3. The disclosure of Mr. Rashmin Khandekar, Advocate under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 is taken on record.
4. The parties shall appear before the learned Arbitrator in his chambers, on 3rd September, 2016 at 11.00 a.m. and obtain necessary directions.
5. All contentions of the parties are kept open.
6. The cost of arbitration shall initially be borne by the parties equally.
7. The venue of Arbitration shall be at Mumbai.
8. In view of this order, the above Arbitration Application is disposed of.

(S.J.KATHAWALLA, J.)