

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CAO NO. 319 OF 2014 IN REVIEW APPLICATION NO. 2011
IN MCA (ARBITRATION) NO. 1082 OF 2010

(M/s. Yashvi Waterproofing Engineers vs. The Union of India, Ministry of Railway & Ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
JANUARY 08, 2016.

Heard Shri Lambat, learned counsel for the
non-applicants – Respondents.

The prayer is to condone delay of 48 days in
filing MCA st. No. 20334 of 2011. In MCA, review of
order dated 12.08.2011 passed in MCA (Arbitration)
No. 1082 of 2010 is sought.

The submission of Shri Lambat, learned
counsel, on merits is, the contract containing
arbitration clause envisages appointment of a Member
as Board of Administrators, who is from accounts. As
the Board of Arbitration nominated in the order dated
12.08.2011 does not contain such member, the Board
needs to be reviewed and such member from accounts
needs to be added.

These proceedings have been filed on
08.11.2011 and as yet formal notice has not been
issued though more than a period of four years has
expired. The record shows that these proceedings were
dismissed in default and have been restored on
10.01.2014.

A perusal of order dated 12.08.2011 shows

that the matter was part heard and on that day, the present review applicants suggested the names for appointment as Arbitrators. This Court accordingly passed orders with consent of parties. As such, in view of consent orders, the provisions in contract cannot survive.

The Arbitrators to complete the proceedings expeditiously in the public interest as this delay may result in adding to burden on public exchequer.

Civil Application is accordingly disposed of.
No costs.

JUDGE

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