

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 51 OF 2017

Saptashrungi Infrastructure Buildcon Pvt. Ltd.] Petitioner

Vs.

The State of Maharashtra and others.] Respondents.

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Mr. Kamlesh Ghumre, for petitioner.

Ms. Anamika Malhotra, A.G.P, for respondents.

CORAM : R.G. KETKAR, J.

DATE : 28TH JULY, 2017.

P.C.

Heard Mr. Ghumre, learned Counsel for petitioner and Ms. Malhotra, learned A.G.P, for respondents.

2. By this Petition u/s 11 of the Arbitration and Conciliation Act, 1996 [for short 'Act'], the petitioner has prayed for appointment of Arbitrator/s for adjudicating all the disputes and difference between the parties.

3. Mr. Ghumre submitted that initially parties tried to appoint sole arbitrator. However, there was no consensus. Clause 3.4.17 (iii) (c) provides for arbitration by constituting three arbitrators. He has suggested name of Suresh L. Jadhav, retired P.W.D. Secretary Maharashtra having address as under:

“CIDCO, Plot No. B-7, Sector N-4, Aurangabad – 431 005”.

He has also given statement of disclosure in writing dated 30th June, 2016. He, therefore, submitted that Mr. Jadhav has retired five years back and, therefore, he may be appointed as nominee of the petitioner.

4. Ms. Malhotra has suggested name of retired District Judge, Mr. S.N. Pathak having address;

“Flat No. 10, Nishigandha Hsg. Society, Bhabha Nagar,
Navshakti Chowk, Nashik – 422 011.

He has also given consent for being appointed as nominee of respondents. Consent letter of Mr. S.L. Jadhav is taken on record and marked 'A' for identification. Consent letter of Mr. S.N. Pathak is taken on record and marked 'B' for identification.

5. In view thereof, I appoint Mr. S.L. Jadhav as arbitrator on behalf of the petitioner and Mr. S.N. Pathak as arbitrator on behalf of the respondent. Arbitrators so appointed shall appoint presiding arbitrator within three weeks from today. All the parties including arbitrators appointed shall act upon authenticated copy of this order. The parties assure that they will serve authenticated copy of this order on the arbitrators. Office shall also transmit authenticated copy of this order on the arbitrators so appointed. Petition is disposed of accordingly.

[R.G. KETKAR, J.]