

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 31 OF 2015

Narendra Vitthal Mhatre	]	Applicant
Vs.		
Madhukar Vitthal Mhatre & Anr.	]	Respondents

.....
Mr. Prayag Joshi i/b Idris Mohammedali Vohra, for applicant.
.....

CORAM : R.G. KETKAR, J.

DATE : 4th AUGUST, 2017.

P.C.

Heard Mr. Joshi, learned Counsel for the petitioner. He has invited my attention to the order dated 7th July, 2017, whereby Advocate Virendra T. Kulkarni was proposed to be appointed as a sole arbitrator for adjudicating the disputes and differences between the parties. The prospective Arbitrator was requested to submit Statement of Disclosure in writing in terms of Section 11 (8) and 12 (1) (b) of the Arbitration and Conciliation Act, 1996 [for short 'Act']. The Arbitrator was further requested to disclose in the Statement of Disclosure whether he can make the Award within a period of 12 months from the Arbitral Tribunal entering upon the reference as per Section 29-A of the Act.

2. Mr. Joshi has tendered covering letter dated 3rd August,

2017 addressed by Shri Virendra T. Kulkarni along with Statement of Disclosure dated 3rd August, 2017 u/s 12 (1) (b) of the Act. In the Statement of Disclosure, it is stated that no circumstances disclosing any past or present relationship with or interest in any of the parties or in relation to the subject matter in dispute, exist. It is further stated that no circumstances which are likely to affect his liability to devote sufficient time to the arbitration and in particular, his ability to finish the entire arbitration within 12 months likely, exist. Covering letter dated 3rd August, 2017 along with Statement of Disclosure is taken on record and marked 'X' for identification.

3. In view thereof, by consent of the parties, I appoint Mr. Virendra T. Kulkarni as a sole Arbitrator for adjudicating the differences and disputes between the parties in place of earlier arbitrator, Smt. Milka Digamber Gharat. Learned Counsel for the parties shall transmit authenticated copy of this order to the earlier Arbitrator as also the present Arbitrator. The petitioner is permitted to collect papers and proceedings from the earlier Arbitrator so as to transmit the same to the newly appointed Arbitrator. The parties including earlier Arbitrator and newly appointed Arbitrator to act upon authenticated copy of this order. The Petition is disposed of accordingly. In addition, Office shall transmit authenticated copy of this order to the newly appointed Arbitrator and earlier Arbitrator.

[R.G. KETKAR, J.]