

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Arbitration Petition (ST) NO. 17093 OF 2016

M/s.Paramount Properties

...Petitioner

Versus

Dorabjee Developers And Ors

...Respondents

....

Mr.Hitesh P. Vyas, Advocate for the Petitioner.

Mr.T.D. Deshmukh, Advocate for Respondents No.1 & 2.

....

CORAM : R. G. KETKAR, J.

DATE : 14th JULY, 2017

P.C.

1. Heard Mr.Hitesh Vyas, learned counsel for the petitioner and Mr.T.D. Deshmukh, learned counsel for respondents No.1 & 2, at length.

2. By order dated 16.6.2017, I proposed to appoint Hon'ble Mr. Justice D.G. Karnik (retired), a former Judge of this Court, as a sole arbitrator for adjudicating the disputes and differences between the parties. The prospective arbitrator was requested to submit the statement of disclosure in writing in terms of Sections 11(8) and 12(1) of the Arbitration and Conciliation Act, 1996 (for short, 'Act'). He was further requested

to disclose in the statement of disclosure whether he can make the award within a period of 12 months from the date of arbitral Tribunal entering upon the reference under Section 29-A of the Act.

3. In pursuance thereof, the learned prospective Arbitrator has forwarded the statement of disclosure in writing by covering letter dated 26.6.2017. The prospective Arbitrator has stated that there is no any past or present relationship with or interest in relation to the subject matter in dispute, whether financial, business, professional or other kind, which is likely to give rise to justifiable doubt as to his independence or impartiality. It is further stated that even if any of the parties inform him that he was consulted in the past, he will not take up the assignment. He has also declared that he will be able to finish the arbitration within the statutory period subject to the parties abiding by the time schedule fixed, not asking for adjournments and cooperating with completing the arbitration. The covering letter together with statement of disclosure dated 26.6.2017 is taken on record and marked 'X collectively', for identification.

4. In view thereof, by consent of parties, Hon'ble Mr. Justice D.G. Karnik (Retired), a former Judge of this Court, is appointed as a sole arbitrator for adjudicating the disputes and differences between the parties. Learned Counsel appearing for the parties assure that they will serve an authenticated copy of this order on the learned Arbitrator. Petition is disposed of. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)