

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION (ST.) NO.21109 OF 2015

WIN Infrastructure and Landmark Pvt. Ltd. through its
Director Bharat Lekhraj Harwani ... Petitioner
Vs.
Babaso Dattatray Toraskar ... Respondent

Mr. Sangramsinh Yadav for Petitioner.
Mr. Ramkrushna Yedave i/b. Mr. Vijay Killedar for Respondent.

CORAM : R. G. KETKAR, J.
DATE : JULY 07, 2017

P.C. :

Heard Mr. Yadav, learned Counsel for petitioner and Mr. Yedave, learned Counsel for respondent at length.

2. By this Petition under Section 11 of the Arbitration and Conciliation Act, 1996 (for short 'Act'), petitioner has prayed for appointing a sole arbitrator for adjudication of disputes between the parties as per clause-26 of the agreement dated 23.08.2008.

3. By order dated 16.06.2017, by consent of the parties, Shri N. G. Patil, retired District Judge, Kolhapur was proposed to be appointed as a sole arbitrator. The prospective arbitrator was requested to file statement of disclosure in terms of Section 11(8) read with Section 12(1) of the Act before the next date of hearing as also to indicate whether he would be able to make award within a period of 12 months from the date of entering upon the reference as contemplated under Section 29-A of the Act.

2. In pursuance thereof, the prospective arbitrator has submitted statement of disclosure along with the covering letter dated 07.07.2017

setting out therein that he has no direct or indirect relationship with or without interest in any of the parties or in relation to the subject matter in dispute, which would likely to give rise to justifiable doubts as to independence or impartiality as also no circumstances which are likely to affect ability to devote sufficient time to the arbitration and in particular ability to complete the entire arbitration within statutory period after commencement. Thus, he stated that none of the circumstances stated in the VII Schedule of the Act exists. The covering letter along with the statement of disclosure in writing dated 07.07.2017 are taken on record and marked 'X colly.' for identification.

3. In view thereof, by consent of the parties, Shri N. G. Patil residing at Prajakta, Hind Paradise, Near Atharv Siddhi, Tarabai Park, Kolhapur 416 003 is appointed as a sole arbitrator for adjudication of disputes between the parties as per clause-26 of the agreement dated 23.08.2008. Mr. Yadav submitted that as per the statement made by him, which was recorded in the order dated 16.06.2017, petitioner has filed Purshis dated 06.07.2017 for withdrawal of Miscellaneous Application No.273 of 2011 filed by the petitioner under Section 9 of the Act before the learned District Judge, Kolhapur. He states that next date of hearing in the District Court is 15.07.2017. Statements made by Mr. Yadav are recorded.

4. In the light of the aforesaid discussion, Petition is disposed of with no order as to costs. All the parties, including the Arbitrator so appointed, shall act upon the authenticated copy of this order.

(R. G. KETKAR, J.)