

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

ARBITRATION APPLICATION NO.44 OF 2017

M/s.Jay Construction)....Applicant
V/s.

Mahanagar Telephone Nigam Limited)....Respondent

Ms.Shilpa Kapil for the applicant.
Ms.Dikshita P.Gupte for respondent.

CORAM : K.R.SHRIRAM,J

DATE : 7.12.2017

P.C.:-

1 The matter was heard for some time and in view the settled position in law that once an application has been filed, the other party loses its right to nominate an arbitrator, counsel for respondent, in fairness, stated that the court may appoint any person as sole arbitrator. Therefore, the following order is passed :-

ORDER

(a) Mr. Dharam Juman, an advocate practicing in this court having his office at 401, Gundecha Chambers, Nagindas Master Road, Fort, Mumbai-400 001, Telephone no.7666044440, is appointed as sole arbitrator to adjudicate upon all disputes and differences, including counter claim, if any, connected with, in relation to and/or arising out

of the award dated 20.3.2013 read with agreement dated 23.3.2013 ;

(b) The fees, administrative expenses, typing charges and venue charges shall be shared equally between the parties and the same will be cost in the arbitral proceeding ;

(c) Within 2 weeks of receiving a copy of this order either from the advocates for the applicant or for respondent, the learned Arbitrator shall file with the parties, disclosure in writing as required under Section 11(8) read with section 12(1) of Arbitration and Conciliation Act 1996;

(d) All rights and contentions of the parties are kept open, except objection to the existence of an arbitration agreement ;

(e) Application accordingly disposed

(K.R.SHRIRAM,J)