

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 478 OF 2017**

Gangadhar Shivram Shetty and Ors ...Petitioners

Versus

Diwakar Narayan Shetty ...Respondent

Mr. Amarendra Mishra for the Petitioners.

Mr. Atul Damle, Senior Advocate I/b. Mr. Rupesh R. Lanjekar for
the Respondent.

**CORAM: G.S. KULKARNI, J.
DATED: 11th September, 2017**

PC:-

1. By this petition filed under Section 15(2) of the Arbitration and Conciliation Act, 1996 (for short 'the Act'), the petitioner has approached this Court for appointment of a new arbitrator in view of the earlier arbitrator, by his letter dated 25/02/2017 having resigned to act as an arbitrator.
2. Mr. Damle, learned senior counsel for the respondent would have no objection for the prayer as made by the petitioners to be granted.

3. The Court accordingly proposes Mr. Kapil Moye, Advocate of this Court as a sole arbitrator to adjudicate the dispute between the parties. In the first instance, the proposed arbitrator will make a disclosure in terms of Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996 and thereafter enter upon reference. In the event, the disclosure is not made in the reasonable time or the disclosure records the inability of the proposed arbitrator to act as such, it will be open to the parties to apply to this Court for directions. The parties will appear before Mr. Kapil Moye, Advocate, on a date to be fixed by him which will be informed to the parties atleast 15 days in advance. The arbitration petition is disposed of in the above terms. No order as to costs.

(G.S. Kulkarni, J.)