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

COMMERCIAL ARBITRATION PETITION NO.299 OF 2017

A.S. Corporation	...Petitioner
V/s.	
Shraddha Developers & Anr.	...Respondents

Mr.Roop M. Vasudeo for the Petitioner.

Mr.Nitin Pagare for the Respondent Nos.1 and 2.

CORAM : R.D. DHANUKA, J.
DATE : 3RD NOVEMBER, 2017.

P.C. :-

1. By this petition filed under section 15 of the Arbitration & Conciliation Act, 1996 the petitioner seeks appointment of the substitute of the erstwhile arbitrator, who has withdrawn from the office by a letter dated 21st January, 2016. The petitioner had filed a petition being Arbitration Petition No.705 of 2016 which was withdrawn with liberty to issue a fresh notice for appointment of an arbitrator to the respondents. The petitioner thereafter issued a notice to the respondents on 27th September, 2016 requesting the respondents to appoint an arbitrator. The respondents however did not agree to the appointment of any arbitrator.

2. By consent of parties Shri Justice Pramod D. Kode

(Retired) having his office at 204, Vardhaman Chambers, Cawasji Patel Street, Opposite Punjabi Moti Halvai, Fort, Mumbai – 400 001, as a sole arbitrator in substitution of the erstwhile arbitrator.

3. The parties are directed to proceed with the arbitration proceedings from the stage at which the matter stands. Both the parties shall pay the fees and expenses of the learned arbitrator equally at the first instance subject to the final outcome of the arbitration proceedings. The parties are free to approach the learned erstwhile arbitrator for return of the papers and proceedings. If any fees is in arrears of the erstwhile arbitrator, the same shall be paid by the parties before the papers are handed over by the learned erstwhile arbitrator to the parties.

4. The parties to act on the authenticated copy of this order.

5. The arbitration petition is disposed of in aforesaid terms.

No order as to costs.

(R.D. DHANUKA, J.)