

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

ARBITRATION APPLICATION NO.214 OF 2016

Hemendra Developers Pvt. Ltd.)....Applicants
V/s.

Yusuf Khan alias Dilip Kumar & Ors.)....Respondents

Mr.Karl Tamboly a/w Mr.A.Dasgupta and Mr.Shrey Shah i/by
Jhangiani, Narula & Associates for applicants.
Mr.Chirag Shah i/by J.J.Shah for respondents.

CORAM : K.R.SHRIRAM,J

DATE : 16.11.2017

P.C.:-

1 This application is under Section 11 of Arbitration and Conciliation Act, 1996 (the said Act).

2 Applicants had nominated Mr.Justice V.C.Daga (retd.) and had requested respondents to concur with the said nominee to be the sole arbitrator. Respondents did not agree and nominated Mr.Sharad Upasani as their arbitrator.

3 There was a discord regarding appointment of the presiding arbitrator. Today, Mr.Tamboly for applicants on instructions, states that applicants' nominee is being changed and applicants' nominate Mr.Subhash Mahadik, retired District Judge,

having his office at 1206, 12th floor, Dalamal Towers, B-wing, Nariman Point, Mumbai-400 021, Tel No.+ 91-22-2281 2041, Mobile No.9920900990, as their nominee. Both, Mr.Tamboly and Mr.Shah request the court to nominate the presiding arbitrator. The court suggested Mr.Justice Mohit Shah, former Chief Justice of this court to be the presiding arbitrator. Both the counsel are in agreement with the name suggested.

Mr.Tamboly on instructions states that Shri Mahadik had accepted to be the nominee arbitrator of petitioner.

4 Accordingly, following order is passed.

ORDER

(a) Mr.Justice Mohit Shah, former Chief Justice of Bombay High Court and Calcutta High Court, having his office at 218-219, Commerce House, 140, Nagindas Master Road, Behind Rhythm House, Fort, Mumbai-400 001, Mobile No.9833331650, is appointed as presiding arbitrator :

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

(c) The presiding arbitrator and the arbitrators nominated by applicant and by respondents, within 4 weeks of receiving a copy of

this order either from the advocates for petitioner or for respondents, shall file directly with the parties, disclosure in writing as required under Section 11(8) read with section 12(1) of Arbitration and Conciliation Act 1996;

(d) Application accordingly disposed.

(K.R.SHRIRAM,J)