

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION [L] NO. 1954 OF 2017

M/s. Valdariya Constructions] Petitioner

Vs.

M/s. New Sangeeta CHS Ltd.] Respondent

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Mr. Vishal G. Ghosalkar, for petitioner.

Dr. Pawan K. Pandey i/b Claydarman & Co., for the respondent.

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CORAM : R.G. KETKAR, J.

DATE : 3rd AUGUST, 2017.

P.C.

Heard Mr. Ghosalkar, learned Counsel for the petitioner and Dr. Pandey, learned Counsel for the respondent at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 1st July, 2017 passed by the learned Arbitrator on an application of the petitioner dated 13th June, 2017. That application was filed by the petitioner u/s 16 of the Arbitration and Conciliation Act, 1996 [for short 'Act'] raising the issue of jurisdiction of the Arbitral Tribunal. The learned Arbitrator rejected the application.

3. During the course of hearing of this Petition, learned Counsel appearing for the parties agreed for appointment of Shri Atul Damle, Senior Advocate of this Court as a sole Arbitrator for adjudicating the disputes and differences between the parties.

4. In view thereof, Petition was listed for admission on 1st August, 2017 so as to enable Mr. Atul Damle to file statement of disclosure in writing as per Sections 11 (8) and 12 (1) (b) of the Act. The prospective Arbitrator was directed to disclose in the statement of disclosure whether he can make award within a period of 12 months from the date of Arbitral Tribunal entering upon the reference u/s 29-A of the Act.

5. Learned Counsel for the parties have tendered statement of disclosure in writing by the learned proposed Arbitrator dated 29th July, 2017 stating therein that he has no past or present relationship with any of the parties and that there are no circumstances which are likely to affect his liability to devote sufficient time to the arbitration and in particular ability to finish entire arbitration within 12 months. [section 29-A]. Statement of disclosure is taken on record and marked 'X' for identification.

6. In view thereof, by consent of the parties, I appoint Mr. Atul Damle, Senior Advocate of this Court as a sole arbitrator for adjudicating the disputes and differences between the parties in place of arbitrator Mr. Harideep Singh appointed by the respondent. Respondent is at liberty to request the learned Arbitrator to decide the application for interim relief in a time bound manner. The Petition is disposed of accordingly with no order as to costs. All the parties including the learned Arbitrator to act upon authenticated copy of this order.

[R.G. KETKAR, J.]