

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

ARBITRATION APPLICATION NO.259 OF 2016

Gousth Enterprises)....Applicant
V/s.

Union of India through General Manager)
Western Railway & Ors.)....Respondent

Mr.Prashant G.Pandey i/by Ulhas Shinde for applicant.
Mr.Suresh Kumar for respondent.
Mr.Mithun Kumar-Assistant Commercial Manager, Western Railway,
Mumbai, present.

CORAM : K.R.SHRIRAM,J

DATE : 13.11.2017

P.C.:-

1 Mr.Pandey appearing for applicant states that the applicant is waiving the applicability of sub-section 5 of Section 12 of the Arbitration and Conciliation Act, 1996. Mr.Pandey for the applicant and Mr.Sureshkumar for respondent state that during the course of today, they will file a statement signed by the authorized signatory waiving the applicability of sub-section-5 of section 12 of the Act.

2 By consent, the following order is passed :-

ORDER

(i) Smt.Jagrati R.Singla, Dy. CCM (G), CCG, having her office at Western Railway, Churchgate Head Quarters, Mumbai-400 020, Tel

No.22002590, is appointed as arbitrator to adjudicate on all disputes including counter claim arising out of and relating to tender dated 7.1.2014 r/w letter of authority dated 22.1.2014 between the applicant and the Railway authority in respect of Train No.19143/19144 Lokshakti Express Bandra Terminus to Ahmedabad and Ahmedabad to Bandra Terminus round trip basis for three years ;

(ii) The fees, administrative expenses, typing charges and venue charges if any, of the arbitrator shall be shared equally between the parties and the same will be cost in the arbitration proceedings ;

(iii) Within 4 weeks of receiving communication from the advocate for applicant forwarding a copy of this order, the Arbitrator shall file with parties disclosure in writing as required under Section 11(8) r/w section 12(1) of Arbitration and Conciliation Act, 1996 ;

(iv) In view of the consent signed by the parties which has been taken on record and marked 'X' for identification, the fact that the arbitrator is an employee of Western Railway will not work as a disqualification :

(v) Petition accordingly, disposed.

(vi) All rights and contentions including limitation are kept open.

(K.R.SHRIRAM,J)