

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

COMPANY PETITION NO.1192 OF 2015

ITD Cementation India Limited)....Petitioner
V/s.

Savair Energy Limited)....Respondent

Dr.Birendra Saraf a/w Mr.Ranjit Dharmadhikari i/by Rahul Karnik for petitioner.

[Mr.K.M.Ranadive-DGM, Legal of petitioner present].

Mr.Vishesh Karla i/by Vidhi Partners for respondent.

CORAM : K.R.SHRIRAM,J

DATE : 12.12.2017

P.C.:-

1 Dr.Saraf on instructions from Mr.K.M.Ranadive-DGM Legal of petitioner, seeks leave to withdraw the petition and suggests that disputes be referred to arbitration. Dr.Saraf also states that the Work Order/Letter of Intent does provide for arbitration to a panel of 3 arbitrators but if respondent is ready and willing, the disputes could be referred to a sole arbitrator.

2 Mr.Karla for respondent, consents for referring disputes to sole arbitrator. Therefore, the following order is passed :-

ORDER

(a) Petition dismissed as withdrawn ;

(b) By consent, Mr.Shyam Kapadia, an advocate practicing

in this court, having his office at 11-C, Examiner Press Building, Dalal Street, Fort, Mumbai, Mobile No9820824262 is appointed as sole arbitrator to arbitrate upon all disputes/differences including counter claim, if any, connected with, in relation to and/or arising out of Letter of Intent dated 28.3.2014 bearing reference no.SEL/PUR/06-132 read with Letter of Intent dated 28.3.2014 no.SEL/PUR/06-316-A;

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

(d) Within 3 weeks of receiving a copy of this order either from the advocate for petitioner or for respondent, the learned Arbitrator shall file with the parties, disclosure in writing as required under Section 11(8) read with Section 12(1) of Arbitration and Conciliation Act, 1996 ;

(e) All rights and contentions of the parties are kept open except any objection to the existence of an arbitration agreement.

(K.R.SHRIRAM,J)