

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

COMM. ARBITRATION PETITION NO.477 OF 2017

Steel Chamber of India)....Petitioners
V/s.

M/s.Kalamboli Weighbridge Private Ltd.)....Respondents

Mr.Piyush Raheja i/by Pratibh Mehta for petitioners.
Mr.Dharam Jumanani a/w Mr.Kiran Mohite and Ms.Ishita Shah i/by
Kiran Mohite for respondents.

CORAM : K.R.SHRIRAM,J

DATE : 22.11.2017

P.C.:-

1 By consent, following order is passed :-

ORDER

(a) Mr.Simil Purohit, an advocate practicing in this court, having his office at 60, Ali Chambers, 5th Floor, Tamrind Lane, Opp.Ankur Restaurant, Fort, Mumbai-400 023, Telephone no.22664847, Mobile No.9821425015, is appointed as sole arbitrator in place of earlier sole arbitrator Mr.Justice S.R.Shah (retired) who after entering into reference, has expired ;

(b) The Arbitrator to continue from the stage at which it was last before the earlier arbitrator ;

(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 advocates for petitioners or for respondents, 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 parties are kept open ;

2 Mr.Raheja for petitioners states that in view of respondents' filing an appeal under Section 37 of the said Act before the Alibag court impugning an order passed by the earlier arbitrator under Section 17 of the said Act, Alibag court had called for record & proceedings from the arbitrator. Mr.Raheja states that directions be passed to Alibag court to return those documents if the earlier arbitrator has forwarded the same to the Alibag court.

3 Liberty to petitioners to apply to Alibag court for necessary

orders. It is clarified that this court has not expressed any opinion as to whether Alibag court has jurisdiction or otherwise.

Petition disposed.

4 In view of the above order, Application (L) No.965 of 2017 also stands disposed.

Mr.Raheja states that copy of this application will be provided to respondents within two weeks from today.

(K.R.SHRIRAM,J)