

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

ARBITRATION APPLICATION NO.299 OF 2016

Mr.Kalyan Krishan Agarwal)....Applicant
V/s.

Union of India)....Respondent

Ms.Nishita D'souza i/by Priyanka Pawar for applicant.
Mr.T.J.Pandian for respondent.

**CORAM : K.R.SHRIRAM,J
DATE : 16.11.2017**

P.C.:-

1 Ms.D'souza for applicant seeks leave to amend the name of respondent in the cause title to reflect West Central Railway instead of Central Railway. Leave granted. Amendment to be carried out forthwith. Re-verification dispensed with.

2 Mr.Pandian appearing for respondent states that this application should be only under Sections 14 & 15 of the Arbitration & Conciliation Act 1996 and not under Section 11. Notwithstanding this objection, Mr.Pandian states that court may appoint a substitute arbitrator and in fairness suggests that Dr.Justice S.Radhakrishnan, former judge of this court be appointed as sole arbitrator.

2 Hence, the following order is passed :-

(a) Dr.Justice S.Radhakrishnan, former Judge of this court having his office at 407, Gundecha Chambers, Nagindas Master Road, Fort, Mumbai-400 001, Mobile No.9920030650, is appointed as sole arbitrator in place of the earlier Tribunal which comprised of 3 arbitrators, one of whom was presiding arbitrator ;

(b) 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 ;

(c) Within 3 weeks of receiving a copy of this order either from the advocates for petitioner 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;

(d) Application accordingly disposed.

(K.R.SHRIRAM,J)