

IN THE HIGH COURT OF BOMBAY AT GOA***APPLICATION FOR APPOINTMENT OF ARBITRATOR
NO. 8 OF 2017***

M/s Kanaka Infratech Limited ... Applicant

Versus

North Goa Planning & Development
Authority Respondent

Mr. Hrudaynath S. Shirodkar, Advocate for the Applicant.

Mr. P. Dangui, Government Advocate for the Respondent.

Coram : N.M. Jamdar, J.

Date : 12 October 2018.

P.C.:

This application is filed by the Applicant for appointment of an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996. The parties had entered into an agreement for construction of infrastructure project of Mala Lake and Mala Market complex at Mala, Panaji on 5 January 2011. The dispute has arisen between the parties in relation to an agreement. The agreement contains an arbitration clause. The arbitration clause reads thus :

“12.4.2. A notice of the intent (“Notice of Intent”) to refer the dispute to arbitration may be given to one Party (the

“Claimant(s)”) to the other Party (the “Respondent(s)”). There shall be a Board of 3 (three) arbitrators. The Claimant(s) and Respondent(s) shall be entitled to appoint 1 (one) arbitrator each out of a list of 10 (ten) arbitrators furnished by the Chairman, NGPDA, and the third independent arbitrator shall be appointed by the 2 (two) arbitrators so elected, and in the event of disagreement between the 2(two) arbitrators, the appointment shall be made in accordance with the Arbitration and Conciliation Act, 1996.”

2. Both the parties are entitled to appoint one arbitrator each. Accordingly, the learned counsel for the parties state that they have chosen the Arbitrator to be appointed from the list of 10 Arbitrators as specified in the Arbitration clause.

3. The Applicant has suggested the name of Mr. Paresh Gaitonde r/o 'Suwasini' A-3, Prima Dona Homes, Dona Paula, Taleigao Goa, who has also placed an affidavit of disclosure. The same is taken on record.

4. As regards the Respondent-Authority they have chosen to appoint Mr. Raghunath Dhume, r/o Shakti, House No.23/90, Chidvillas Colony, Taleigao, Caranzalem, as an Arbitrator.

5. Both these Arbitrators Mr. Gaitonde and Mr. Dhume are

appointed as the Arbitrators to arbitrate upon the dispute relating to the agreement in question.

6. The Arbitrator Mr. Dhume upon receipt of the communication from either of the parties of this order will give his affidavit of disclosure to both the parties. Thereupon both these Arbitrators will follow the methodology laid down in the arbitration clause.

7. Accordingly, the dispute as above stands referred to the Arbitrators so appointed and the third Arbitrator to be appointed in the matter.

8. The parties will bear the costs and fees of the Arbitrators equally subject to the outcome of the proceedings.

9. The application is accordingly disposed of in the above terms.

N.M. Jamdar, J.