

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 75 OF 2018

Pedvak Technologies Pvt. Ltd.

... Petitioner

Versus

Government of Maharashtra, Water Resources Department

... Respondent

Ms. Bindu Bhatia instructed by Khare Legal Chambers for the Petitioner.

None for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 14th DECEMBER, 2018

P.C.:

1. Perused the order dated 6th December, 2018. Paragraph 8 of which is reproduced hereunder :-

8. It is therefore clear that despite the Arbitration Agreement (Sub Clauses 3 and 4 of Clause 3.27 of the Agreement), the Respondent has failed to appoint an Arbitrator to resolve their disputes. Hence, the following order :

i. The Court proposes to appoint Mr. Vikram Deshmukh, Advocate as a sole Arbitrator to decide the disputes between the Petitioner and the Respondent arising out of Contract Agreement dated 3rd October, 2013 (Exhibit-A to the Petition).

ii. Mr. Vikram Deshmukh, Advocate, shall on or before 14th December, 2018 submit his disclosure under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996 as amended by the Arbitration and Conciliation (Amendment) Act, 2015.

iii. The Advocate for the Petitioner shall forthwith forward a copy of this order to Mr. Vikram Deshmukh, Advocate.

iv. The Advocate for the Petitioner shall also forward a copy of this order on the Respondent by hand delivery.

v. All concerned to act on an ordinary copy of this order, duly authenticated by the Associate / Private Secretary / Personal Assistant of this Court.

vi. Stand over to 14th December, 2018.

2. Pursuant thereto, Mr. Vikram Deshmukh, Advocate has submitted his disclosure under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996 as amended by the Arbitration and Conciliation (Amendment) Act, 2015 (Act No.3 of 2016) (*the Act*), which is taken on record. Though the Respondent is served with a copy of the order dated 6th December, 2018, none appear for the Respondent. Hence, the following order :

- i) Mr. Vikram Deshmukh, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Contract Agreement dated 3rd October, 2013 (Exhibit-A to the Petition).
- ii) Parties and/or their Advocates shall appear before the Learned Arbitrator in his Chamber on 7th January, 2019 at 5.00 p.m. and obtain necessary directions.
- iii) The Learned Arbitrator shall endeavour to pass his final Award within a period of six months from the date of the first meeting with the parties. The Learned Arbitrator shall not grant adjournment/s to the parties unless absolutely necessary.
- iv) The venue of arbitration shall be at Mumbai.
- v) The cost of arbitration shall initially be borne by the parties equally.

- vi) All contentions of the parties are kept open.
- vii) Advocate for the Petitioner shall forthwith forward a copy of this Order to Advocate Vikram Deshmukh as well as the Respondent by hand-delivery.
- viii) The above Arbitration Petition is accordingly disposed off.
- ix) All concerned to act on an ordinary copy of this order duly authenticated by the Associate / Private Secretary / Personal Assistant of this Court.

(S.J.KATHAWALLA, J.)