

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 94 OF 2017

M/s.A.V.A. Constructions ... Petitioner

Versus

M/s.Klassic Constructions (Pune) Pvt. Ltd. & Ors. ... Respondents

Mr.Sachin S. Punde for the Petitioner.

Mr. A.K.Prajapati for Respondent No.1.

Mr.Nirman Sharma a/w. Ms.Shruti K. i/b. Crawford Bayley and Company for Respondent No.2.

Mr.Sachin C. Raje for Respondent No.3 - Arbitrator.

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

P.C.:

1. On 7th December, 2018, this Court passed the following order :-

“1. The learned Advocate appearing for Respondent No. 3 - Arbitrator on instructions states that Respondent No. 3 - Arbitrator will return all papers as well as the deposit amount of Rs.1 Lac received by him to Respondent No. 1 within a period of one week from today. The statement is accepted.

2. Stand over to 14th December, 2018.”

2. The Learned Advocates appearing for Respondent No.1 states that since the Learned Arbitrator has agreed to comply with the order dtd 7th December, 2018, and is currently out of town, he is not wanting to wait until the order is complied with, and the Court may proceed to hear the above Petition and file appropriate Orders.

3. In view thereof, after hearing the Advocates appearing for the parties in the above Petition, the following order is passed, by consent :-

(a) Mr. Amrut Joshi, Advocate is appointed as the sole Arbitrator to decide the disputes between the Petitioner and Respondent No.1 arising out of the Service Agreement dated 25th December, 2010.

(b) The disclosure of Advocate Amrut Joshi 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) shall be filed on or before 20th December, 2018.

(c) The parties and/or their Advocates shall appear before the Learned Arbitrator in his Chambers on 22nd December, 2018 at 10.00 a.m. and obtain necessary directions.

(d) The venue of arbitration shall be at Mumbai.

(e) The Learned Arbitrator shall endeavour to pass his final Award within a period of six months from today. The Learned Arbitrator shall not grant adjournment/s to the parties unless absolutely necessary.

(f) The cost of arbitration shall initially be borne by the parties equally.

(g) All contentions of the parties are kept open.

4. In view of this order, the above Arbitration Petition is disposed off.

(S.J.KATHAWALLA, J.)