

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION (L) NO. 151 OF 2018

Eco Pack India Paper Cup Pvt. Ltd.

..... Petitioner

VERSUS

M/s.Sphere International

..... Respondent

Mr.Aseem S.Naphade, a/w. Mr.A.P.Singh, i/b. M/s.S.K.Srivasatav & Company for the Petitioner.

Mr.Premalal Krishnan, a/w. Mr.Sankalp Anantwar, i/b. Pan India Legal for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 23rd FEBRUARY, 2018

P.C.

By consent of parties, following order is passed :-

2. The mandate of the arbitral tribunal appointed by Hindustan Chamber of Commerce in Case No.A 149/2015-2016 is terminated. By consent of parties, Mr.Naushad Engineer, a counsel of this court is appointed as the sole arbitrator in place of the erstwhile arbitral tribunal. It is agreed by and between the parties that the learned arbitrator will proceed with the arbitral proceedings from the stage where the proceedings are left by the erstwhile arbitrator.

3. Learned counsel for the respondent states that his client seeks to lead oral evidence before the learned arbitrator. The respondent would be permitted to make an application before the learned arbitrator for seeking permission to lead oral evidence. The learned arbitrator shall decide the said application for leading oral evidence after hearing the

learned advocate for the petitioner.

4. Learned counsel appearing for both the parties agree that their respective clients will not ask for unnecessary adjournment before the learned arbitrator and will co-operate with each other and with the learned arbitrator in disposing of the proceedings expeditiously.

5. The learned arbitrator shall make an endeavour to dispose of the proceedings within six months from the date of the first meeting.

6. The fees of the learned arbitrator will be paid by both the parties equally at the first instance.

7. In view of the appointment of the new arbitrator by consent of parties, this court need not consider any grant of extension of time to the erstwhile arbitral tribunal.

8. Arbitration petition is disposed of in the aforesaid terms. No order as to costs.

9. A copy of this order shall be forwarded by the petitioner to Hindustan Chamber of Commerce for information and record.

[R.D. DHANUKA, J.]