

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION APPLICATION NO. 107 OF 2018
ALONGWITH
NOTICE OF MOTION NO. 814 OF 2018
IN
COMMERCIAL ARBITRATION APPLICATION NO. 107 OF 2018

Deepdharshan Builders Pvt. Ltd.

..... Applicant

VERSUS

**Saroj, widow of Satish Sunderrao Trasikar
& Ors.**

..... Respondents

Mr. Deepak Shukla, a/w. Mr. Swapna Samant, i/b. Vinod Mistry & Co.
for the Applicant.

Mr. Ajinkya Mohan Udane for the Respondent nos. 1, 2 and 4.

Mr. Bharat Rajnikant Zaveri for the Respondent no.3.

CORAM : R.D. DHANUKA, J.

DATE : 30th NOVEMBER, 2018

P.C.

Matter is placed on board for Speaking to the Minutes of the
Judgment dated 22nd November, 2018.

2. In paragraph (22) of the judgment on page 14, this court has referred to the judgment of Gujarat High Court in case of ***Vasu Healthcare Private Limited vs. Gujarat Akruti TCG Biotech Limited & Anr., AIR 2017 Gujrat 153***. It is clarified that the said judgment was cited by the learned counsel for the respondent no.3 in support of his submission that the dispute in this commercial arbitration

application was not a commercial dispute and not on the issue of limitation.

3. In paragraph (27), 1st line of page (17), the words '**learned senior counsel for the respondent no.3**' shall be read as '**learned senior counsel for the respondent nos. 1, 2 and 4**' and **not** for respondent no.3.

4. In paragraph (66) on page 40, 1st line, the word '**senior**' shall stands **deleted**.

5. In paragraph (67) on page 42, 1st line, the word '**senior**' shall stands **deleted**.

6. Pursuant to the said judgment dated 22nd November,2018, Smt.Justice Vasanti A. Naik, a former judge of this court who has filed a statement of disclosure is appointed as a nominee arbitrator on behalf of the respondents. The statement of disclosure filed by the prospective arbitrator for the respondents is taken on record.

7. Similarly Mr.Snehal K. Shah, a counsel of this court who was nominated by the applicant and proposed to be appointed by this court by the said order has also filed the statement of disclosure. The statement of disclosure filed by the learned prospective arbitrator is taken on record. Mr.Snehal K. Shah, a counsel of this court is appointed as a nominee arbitrator on behalf of the applicant.

8. Both the arbitrators are directed to appoint a presiding arbitrator in accordance with the provisions of Arbitration and Conciliation Act, 1996 within the time prescribed.
9. Commercial Arbitration Application No.107 of 2018 is disposed of in the aforesaid terms. No order as to costs.
10. The parties are directed to convey this order to the learned arbitrators for compliance.
11. The parties as well as the learned arbitrators to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]