

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.110 OF 2018**

Archon Powerinfra India Pvt. Ltd.	...	Applicant
versus		
Steiner India Ltd.	...	Respondent

Mr. Karen D'Souza I/by M/s. SRM Law Associates, for Applicant.
None for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 10th AUGUST, 2018

P.C.:

1. On 2nd August, 2018 this Court passed an order, paragraph No.5 of which is relevant and reproduced hereunder :

“5. Since disputes arose between the Applicant and the Respondent, the Applicant through his Advocate's Letter dated 30-03-2017, after setting out the detailed correspondence exchanged by and between the parties, invoked the arbitration clause. However, the Respondent by their letter dated 11-04-2017 declined to accept the name of the Arbitrator suggested by the Applicant and suggested the name of Mr. S.D.Pandit, Former Judge of this Court as sole Arbitrator. The Petitioner has not accepted the said suggestion and has filed the present petition under Section 11 of the Act seeking appointment of the sole Arbitrator. In view thereof, I pass the following order :

i) The Court proposes to appoint Mr. Rohan Kelkar, Advocate as a sole Arbitrator to decide the disputes between the Applicant and the

Respondents arising out of the Work Order dated 22-09-2014. In view thereof, Mr. Rohan Kelkar, Advocate shall 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.

ii) The Advocate for the Applicant shall forward a copy of this order to Mr. Rohan Kelkar, Advocate as well as to the Respondent by hand delivery.

iii) Stand over to 10th August, 2018, first on board. ”

2. Pursuant to the said order, the learned Arbitrator 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 (3 of 2016), which is taken on record. Though a copy of the order dated 2nd August, 2018 is served on the Respondent, none appear for the Respondent. In view thereof, the following order is passed :

(i) Mr. Rohan Kelkar, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Work Order dated 22-09-2014.

(ii) The parties and/or their Advocates shall appear before the learned Arbitrator in his chambers, on 14th August, 2018 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 this order.

(iv) The learned Arbitrator shall not grant adjournments to the parties unless absolutely necessary.

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

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

(vii) The venue of Arbitration shall be at Mumbai.

(viii) In view of this order, the above Arbitration Application is disposed of.

(ix) A copy of this order shall be forthwith served on the learned Arbitrator as well as on the Respondent by hand delivery.

(S.J.KATHAWALLA, J.)