

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 298 OF 2018

Roy Construction Company

..... Applicants

VERSUS

The Director General Naval Project (MB)

..... Respondent

Ms.Krishna Patel, a/w. Mr.Raj Dani, i/b. DM Legal Ventures for the Applicants.

Mr.B.B.Sharma for the Respondent/UOI.

CORAM : R.D. DHANUKA, J.

DATE : 27th SEPTEMBER, 2018

P.C.

There is no dispute that the arbitration agreement exist between the parties. Clause (70) of the agreement has to be read with tender document. Clause 7(b) of the tender clearly provides that the arbitrator has to be appointed by the Additional Secretary to Ministry of Defence, Government of India or in his absence the officer officiating as the Additional Secretary to the Ministry of Defence, Government of India.

2. Mr.Sharma, learned counsel for the respondent submits that the appropriate authority will appoint a suitable arbitrator and would communicate the name to the applicants within four weeks from the date of communication of this order. Statement is accepted.

3. The applicants are directed to forward a copy of this order to the

Additional Secretary to Ministry of Defence, Government of India or in his absence the officer officiating as the Additional Secretary to the Ministry of Defence, Government of India.

4. Learned counsel for the respondent is also directed to convey this order to the by the Additional Secretary to Ministry of Defence, Government of India for compliance.

5. Arbitration application is disposed of in the aforesaid terms. There shall be no order as to costs.

6. The parties to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]