

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

ARBITRATION PETITION NO. 1181 OF 2014

M/s.Ray Constructions Ltd.

...Petitioner

vs

M/s.Hindustan Petroleum Corporation Ltd.

...Respondent

Mr.K.L. Varghese, Senior Advocate with Sarita Varghese I/b. M.S. Dalvi
for Petitioner.

Mr.Minoo Siodia I/b. S.R. Rege for Respondent.

CORAM : S.C.GUPTE, J.

DATE : 19 DECEMBER 2018

P.C. :

After the matter is heard at some length, it is agreed between learned Counsel for both parties that the arbitration petition may be disposed of by setting aside the impugned award and referring Claim Nos.1 and 3 to a new arbitrator for a fresh hearing in accordance with law. The impugned award is, accordingly, set aside and by consent of parties, Mr.Justice R.C. Chavan (Retd) is appointed as a Sole Arbitrator to adjudicate upon the disputes between the parties forming the subject matter of the present petition, i.e. Claims 1 and 3 together with interest and costs. The parties shall be entitled to proceed before the learned arbitrator on the same pleadings and evidence, with liberty, however, to file such additional pleadings and tender such additional evidence as they may choose to do. All rights and contentions of the parties on merits are kept open. The petition is disposed of accordingly.

(S.C. GUPTE, J.)