

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

ARBITRATION APPLICATION (L) NO.573 OF 2018

R.C.Enterprises ... Applicant

versus

Stores Officer, Directorate of Purchase and
Stores, Department of Atomic Energy ... Respondent

Mr. Nigel Quraishy I/by Mr. Naved Salim Chawdhary, for petitioner.
Mr. Rajiv Chavan, Senior Advocate with Mr. Gul Ashrani I/by Mr. D.A.Dube, for
Respondent.
Mr. N.D.Khopikar, Jt. Director, present.
Mr. Abdul Majeed, highest bidder present.

CORAM: S.J. KATHAWALLA, J.

DATE: 21st JUNE, 2018

P.C.:

1. Perused the order dated 14th June, 2018. Today, Mr. Abdul Majeed, the highest bidder is present in Court. He states that he had given the highest bid of Rs.4,170/- per metric tonne by mistake and he is not willing to lift the material at that rate and is also not willing to pay more than Rs.4,170/- per metric tonne. Such conduct on the part of the highest bidder is unpardonable. The Respondent will be at liberty to take out appropriate action against him including not allowing him to participate in the future tenders.

2. Mr. N.D.Khopikar, Joint Director of Respondent is present in Court. He

states that the Respondent will forthwith consider changing its tender/bid conditions to prevent the repetition of what has happened qua the present tender process. The statement is accepted.

3. The following order is now passed by consent of the parties :

(i) Mr. Amrut Joshi, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Sale Contract dated 26-03-2018.

(ii) The disclosure of Mr. Amrut Joshi, Advocate 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) is taken on record.

(iii) In the event of the Respondent inviting fresh bids, the Petitioner will be allowed to bid without prejudice to the rights and contentions of the parties.

(iv) The parties and their Advocates shall appear before the learned Arbitrator in his chambers, on 27th June, 2018 at 05.00 a.m. and obtain necessary directions.

(v) The learned Arbitrator shall endeavour to pass his final Award within a period of six months from the date of this order.

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

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

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

- (ix) The venue of Arbitration shall be at Mumbai.
- (x) In view of this order, the above Arbitration Application is disposed of.

(S.J.KATHAWALLA,J.)