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

ARBITRATION PETITION NO.1232 OF 2016

Sharad M. Choudhar	...Petitioner
V/s.	
Shriram Equipment Finance Co. Ltd.	...Respondent

Mr.Sushant S. Prabhune for the Petitioner.

Ms.Disha Karambar with Ms.Priya Rita for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 5TH JANUARY, 2018.

P.C. :-

1. By consent of parties, following order is passed :-
 - a). The impugned award dated 24th February, 2016 made by the learned arbitrator is set aside. The arbitral proceedings are restored to file.
 - b). By consent of parties Dr.Faiz R. Shaikh, a counsel of this Court having his office at Foundation Building, 1st Floor, 101, Maharashtra Chamber Of Commerce Lane, Kala Ghoda, Fort, Mumbai – 400 023 is appointed as the sole arbitrator in place of the erstwhile arbitrator.
 - c). The petitioner undertakes to file the written statement along with the documents which the petitioner proposes to rely upon

before the learned arbitrator within four weeks from today and undertakes to serve a copy thereof upon the respondent's advocate simultaneously. It is agreed that no further extension would be prayed by the petitioner for submission of the written statement along with documents.

d). If the respondent had relied upon any documents before the learned arbitrator or any additional pleadings other than the statement of claim, the same shall be served upon the petitioner within two weeks from today. It is made clear that the petitioner shall be at liberty to file the counter claim also along with the written statement within the time prescribed.

e). If any counter claim is filed by the petitioner, the respondent shall file the written statement to the counter claim within three weeks from the date of service of the counter claim and shall serve a copy thereof upon the petitioner's advocate.

f). Learned arbitrator shall decide the claims and counter claims in accordance with law without being influenced by the observations made and the conclusions drawn in the impugned award which the subject matter of this arbitration petition. The time taken by the respondent to serve a copy of the other documents and pleadings shall be excluded while computing the period of four weeks for the purpose of filing the written statement and the counter claim.

g). Learned arbitrator shall make an endeavor to dispose of the arbitral proceedings within six months from the date of filing written statement to counter claims. None of the parties shall make any application for unnecessary adjournment before the learned arbitrator and shall co-operate with each other and also with the learned arbitrator.

h). If for any unavoidable circumstances, the award is not rendered within a period of six months, the parties would be at liberty to apply for extension.

2. The arbitration petition is accordingly disposed of in aforesaid terms. There shall be no order as to costs.

(R.D. DHANUKA, J.)