

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

COMPANY PETITION NO.709 OF 2016

Lal Singh Udawat)....Petitioner
V/s.

Gammon India Ltd.)....Respondent

Mr.Rajendra Singh Champawat for petitioner.

[Mr.Lal Singh Udawat-petitioner present].

Mr.Rashmin Khandekar a/w Ms.Smruti Kanade i/by Negandhi Shah
and Himayatullah for respondent.

[Mr.Somaroo Kulkarni, Deputy General Manager/authorized
signatory of respondent present].

CORAM : K.R.SHRIRAM,J

DATE : 16.4.2018

P.C.:-

1 Out of the amount of Rs.9,50,492/- claimed in the petition,
in the affidavit in reply the company has admitted that sum of
Rs.4,17,342/- is due and payable to petitioner but disputes the
balance amount.

2 Mr.Khandekar appearing for respondent, on instructions
states that this amount of Rs.4,17,342/- will be paid to petitioner
within two weeks from today and for the balance amount, the
company is ready and willing to go for arbitration. Mr.Champawat
appearing for petitioner, on instructions from petitioner is agreeable.

3 The counsel suggest that Mr.Raj Mohan Patel, an
advocate practicing in this court is appointed as sole arbitrator and
the fees and administrative expenses of the arbitrator will be shared
equally between the parties subject to cost in the arbitral proceedings.

4 Counsel tender written memorandum of agreement
(Consent Minutes of the Order) signed by petitioner and the
authorized signatory of the company agreeing to refer dispute as
regards the balance amount to arbitration. The same is taken on
record and marked 'X' for identification.

5 Within two weeks the sole arbitrator Mr.Raj Mohan Patel
will give disclosure in writing as required under Section 11(8) read
with section 12(1) of the Arbitration & Conciliation Act 1996 directly
to the parties.

6 All rights and contentions of the parties are kept open
except to challenge the jurisdiction of the arbitrator. Petition
accordingly stands disposed

(K.R.SHRIRAM,J)