

psv

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

COMMERCIAL ARBITRATION PETITION NO.934 OF 2018

State Bank of India	..Petitioner
Vs.	
V.B. Infraprojects (I) Pvt. Ltd.	..Respondent

**WITH
COMMERCIAL ARBITRATION PETITION NO.936 OF 2018 (Not on
Board. Taken on Board)**

State Bank of India	..Petitioner
Vs.	
Kalpana Dawanchaya	..Respondent

Mr.Kiran Shinde i/b. M/s.NKS Legal for Petitioner.
Mr.Surel Shah i/b. Mr. Sanjay Gawde for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 3rd DECEMBER, 2018

P.C.:

These petitions under Section 34 of the Arbitration and Conciliation Act, 1996 challenge the award dated 12 March 2018 passed by the learned sole Arbitrator.

2. Learned Counsel for the parties in both these petitions are in agreement that the appointment of the learned sole Arbitrator was not

in accordance with the arbitration agreement as entered between the parties and on this count, it is stated that the parties have agreed that the impugned award be set aside. It is submitted that the parties are now willing to appoint Mr. Justice D.G. Deshpande, retired as a sole arbitrator to arbitrate the disputes between the parties i.e. subject matter of these petitions.

3. In view of the consensus as reached between the parties, the petitions are being disposed of by the following order:-

ORDER

- i. By consent, the impugned award dated 12 March 2018 is quashed and set aside;
- ii. Mr. Justice D.G. Deshpande (Retd.) is appointed as the prospective Arbitrator to adjudicate the disputes and differences between the parties;
- iii. Learned prospective Arbitrator, 15 days before entering a reference, shall forward to the Prothonotary & Senior Master a disclosure as per requirement of Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996 with a copy to be forwarded to the parties;
- iv. The above petitions are disposed of in the above terms. No costs.

- v. All contentions of the parties on merits of the matter are kept open.
- vi. A copy of this order be forwarded to Mr. Justice D.G. Deshpande (Retd.).
- vii. Parties to act on an authenticated copy of this order.

[G.S. KULKARNI, J.]