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

**ARBITRATION PETITION (L) NO.764 OF 2018  
WITH  
NOTICE OF MOTION (L) NO.1598 OF 2018  
IN  
ARBITRATION PETITION (L) NO.764 OF 2018**

G And T Oilfield And Offshore Services Pvt. Ltd. ...Petitioner

vs

P.V. Thomas, Prop of SRI Industries ...Respondent

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Mr. Soli Cooper, Senior Advocate, a/w. Mr. Aurup Dasgupta, i/b.  
Jhangiani Narula & Associates, for the Petitioner.

Mr. Abhinav Chandrachud, a/w. Mr. Ajay Panicker, and Mr. Amit Kakri,  
i/b. Ajay Law Associates, for the Respondent.

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**CORAM : S.C. GUPTA, J.**

**DATED: 29 OCTOBER, 2018**

**P.C. :**

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. After the matter is heard at some length, it is agreed between the parties that the arbitration petition can be disposed of in terms of the following order. It is, accordingly, ordered as follows:

- (i) The impugned award dated 22 February 2018 passed by the arbitrator is set aside.
- (ii) Mr. Kunal Dwarkadas, Advocate, is appointed as the sole arbitrator under Section 34(4) of the Arbitration and Conciliation Act, 1996 to decide the dispute afresh based on

the pleadings and evidence already on record, save and except what is noted below. The parties agree that no further evidence shall be led in the arbitration reference. The arbitrator shall endeavour to dispose of the reference and make his award latest by 31 March 2019.

- (iii) Whilst hearing the dispute afresh, the learned arbitrator shall consider whether the document, which was originally taken on record as Exhibit “AA” in the arbitration reference, was properly admitted on record or not. The parties will be at liberty to argue this particular point before the learned arbitrator and the admissibility as well as the advisability and effect of taking on record the document, earlier marked as Exhibit “AA”, would be considered on its own merits. All contentions of the parties in that behalf are kept open.
- (iv) The Respondent agrees to withdraw Execution Application No.1447 of 2018 filed before this Court within one week from today.
- (v) The arbitration petition is disposed of in the above terms with no order as to costs.

2. In view of the disposal of the arbitration petition, nothing survives in the notice of motion and the same is disposed of.

**( S.C. GUPTE, J. )**