

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
ARBITRATION APPLICATION NO.174 OF 2017**

AB Infrabuild Pvt. Ltd.	...	Applicant
versus		
Western Railways through Divisional Railway Manager	...	Respondent

**WITH
ARBITRATION APPLICATION NO.176 OF 2017**

AB Infrabuild Pvt. Ltd.	...	Applicant
versus		
Western Railways through Divisional Railway Manager	...	Respondent

Mr. Anoop Patil, for Applicants.
Mr. T.J.Pandian, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 26th FEBRUARY, 2018

P.C.:

1. The learned Advocate for the Applicant on instructions undertakes that the Applicant shall restrict his claim only to the extent of 20% of the contract value. The undertaking is accepted.
2. The learned Advocate for the Respondent undertakes on instructions that if the security deposit is not returned till date, the same shall be returned to the Applicant within a period of two weeks from today. The undertaking is accepted. In view thereof, the following order is passed by consent :

(i) Mr. Rashmin Khandekar, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Contract Agreements dated 27th July, 2011, subject to the above undertakings.

(ii) The disclosure of Mr. Rashmin Khandekar, 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) The parties shall appear before the learned Arbitrator in his chambers, on 1st March, 2018 at 05.30 p.m. and obtain necessary directions.

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

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

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

(vii) The venue of Arbitration shall be at Mumbai.

(vii) In view of this order, the above Arbitration Applications are disposed of.

(S.J.KATHAWALLA, J.)