

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.171 OF 2017**

Vazir Surface Protection Private LimitedApplicant

Vs.

Walkeshwar Om Vikas CHS LimitedRespondent

Ms. Kainaz Irani I/b. Mr. Prasad Kumar Das for applicant.

None for respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 31th AUGUST, 2018

P.C.:

1 On 15th March 2018 this Court was pleased to pass the following order :

1. The Respondent Society shall appear before this Court through its Office bearers and/or Advocates on 22nd March, 2018 at 11.00 a.m. A copy of this order shall be forthwith served on the Respondent Society by hand delivery by the Advocate for the Applicant. Stand over to 22nd March, 2018.

2 Ms. Irani tenders an affidavit of one Sadanand Bhubaskar affirmed on 22nd March 2018 confirming compliance of the order dated 15th March 2018. Still nobody is present for respondent.

3 None of the averments in the application are controverted. I am also satisfied that the agreement provides for resolution of dispute between the parties by referring the same to arbitration and the Arbitrator to be a member of Practising Engineers Architects and Town Planners Association (India) (PEATA). Mr. Natubhai Badheka, Architect, Ms. Irani states, is a member of PEATA and is also an ex vice-president of PEATA.

4 Therefore, Mr. Natubhai Badheka, Architect, having his office at Fairy Manor, 6th Floor, 13, Rustom Sidhwa Marg, Fort, Mumbai 400 001 (office no.022-22663563, mobile no.9967068826 and email ID : badheka@yahoo.com) is appointed as Sole Arbitrator to arbitrate on all disputes and differences, including counter claim, if any, arising out of or in connection with or relating to work order dated 9th November 2012 and agreement dated 12th February 2013. All rights and contentions of the parties are kept open, except the question of jurisdiction of the arbitrator.

5 The fees to be fixed by the Arbitrator, administrative expenses, typing charges and venue charges to be shared equally between the parties, i.e., 50% by applicant and 50% by respondent and the same shall be subject to cost in the arbitral proceedings.

6 The Arbitrator to communicate in writing to the Advocate for applicant with copy to respondent the disclosures as required under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 within two weeks of receiving a copy of this order from any of the party.

7 Liberty to apply.

8 Application accordingly stands disposed.

(K.R. SHRIRAM, J.)

Gauri
Amit
Gaekwad

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signed by
Gauri Amit
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