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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.1370 OF 2014

Parle Agro Pvt. Ltd.	Petitioner
vs	
Mody Beverages Private Limited	...Respondent

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Mr. Pradeep Sancheti, Senior Advocate, a/w. Ms. Anshika Misra, Ms. Apoorva Gupta and Mr. Gopal Machiraju, i/b. AZB & Partners, for the Petitioner.

Mr. Zubin Behram Kamdin, a/w. Mr. Mihir Mody and Ms. Namrata Shah Saurashtri, i/b. K. Ashar & Co., for the Respondent.

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CORAM : S.C. GUPTE, J.

DATED: 18 DECEMBER, 2018

P.C.:

. After the matter is heard at some length, it is agreed between learned Counsel for the parties that the impugned award in the present case may be set aside and the arbitration reference be remanded to a new arbitrator for a fresh hearing in accordance with law. Accordingly, by consent of parties, Mr. Naushad Engineer, Advocate, is appointed as a sole arbitrator to adjudicate the disputes and differences between the parties arising out of the present reference, subject to his disclosure and consent. It is agreed between the parties that the pleadings and evidence before the original arbitrator shall be treated as pleadings and evidence in the reference before the new arbitrator and

the arbitrator will simply hear oral submissions of Counsel on the disputes. The award shall be declared within a period of six months from today. It is made clear that whilst disposing of the arbitration petition in the manner as above, this Court has not applied its mind to the merits of the controversy and the order is passed simply on consent of both Counsel. All rights and contentions on merits are kept open.

(S.C. GUPTE, J.)