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

COMM. ARBITRATION PETITION NO. 1157 OF 2018

Kumar Urban Development Pvt. Ltd.

...Petitioner

vs

Jagadusha Nagar Avadhut Co-operative
Housing Society Ltd.

...Respondent.

.....

Mr Parag Sharma a/w Mr Murlidhar Kurne I/b Udwardi & Co. for the
Petitioner.

Mr Akshay Patil counsel a/w Paas S. Gosar I/b Adv Jayesh R. Vyas for
the Respondent.

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**CORAM : B.P.COLABAWALLA, J.
DECEMBER 17, 2018.**

P.C. :

This Petition has been filed under Section 15 of the Arbitration and Conciliation Act, 1996 (for shorty “the Act”) seeking to substitute the Arbitrator (Mr Ashwin Ankhad, Advocate) to resolve the disputes and differences between the Petitioner and the Respondent. Originally the Arbitral Tribunal consisted of three Arbitrators. The Arbitrator appointed by the Petitioner was Mr D.B. Singh, an advocate of this Court. The Respondent had appointed Mr Ashwin Ankhad, also an advocate of this Court as an Arbitrator. These two advocates thereafter appointed a presiding Arbitrator,

namely, Justice Jhunjhunuwala, (Retired). On 22nd June, 2018, the Respondent wrote a letter to the Arbitrator appointed by them that they do not want him to be continued as an Arbitrator. Pursuant to this letter, the Arbitrator appointed by the Respondent (Mr Ashwin Ankhad) recused himself from the arbitration vide his letter dated 25th June, 2018. In view of this, the presiding Arbitrator [Hon'ble Justice Jhunjhunuwala (Retired)] also resigned from the arbitration proceedings. This is how the present matter has come up before me.

2 Now the parties have agreed that instead of the Arbitral Tribunal consisting of three Arbitrators, a Sole Arbitrator be appointed to resolve the disputes and differences between the parties hereto. Both the parties have also agreed that Hon'ble Justice S.J.Vazifdar (Retired Chief Justice of Punjab and Haryana High Court) be appointed as a Sole Arbitrator to decide the disputes and differences between the Petitioner and the Respondent.

3 In view of this consensus, the Hon'ble Justice S.J. Vazifdar (Retired Chief Justice of Punjab and Haryana High Court) is appointed as a Sole Arbitrator to decide the disputes and differences between the Petitioner and the Respondent herein. Considering that the new Arbitrator has been appointed today, the time to complete the

arbitration proceedings and to pass a final award is also extended by consent of parties for a period of one year from today. Both the parties further agree that if for any reason the arbitration cannot be completed within a period of one year from today, then they both will consent before the Arbitrator to extend the time for a further period of six months as contemplated in Section 29A(3) of the Act. The Arbitration Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

(B.P.COLABAWALLA, J.)