

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

ARBITRATION APPLICATION NO.40 OF 2018

Kalpataru Enterprise	...	Applicant
versus		
Union of India, through Div. Railway Manager, Works, Western Railway	...	Respondent

Mr. Thomas James i/by M/s. Auris Legal, for Applicant.
Mr. T.J.Pandian, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 15th MARCH, 2018

P.C.:

1. Heard the learned Advocates appearing for the parties and the following order is passed by consent :

(i) Ms. Kainaz Irani, Advocate is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Contract Agreement dated 15th January, 2014.

(ii) The disclosure of Ms. Kainaz Irani, 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 learned Advocate for the Applicant undertakes that the claim shall be restricted to 20% of the Contract Value. The undertaking is accepted.

(iv) Needless to add that in the event of the learned Arbitrator holding that

the contract with the Respondent is wrongly terminated by the Applicant, all the amounts which are forfeited upon termination, shall be refunded to the Applicant.

(v) The parties shall appear before the learned Arbitrator in her chambers, on 17th March, 2018 at 12.00 noon and obtain necessary directions.

(vi) The learned Arbitrator shall endeavour to pass her final Award within a period of six months from the date of this order.

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

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

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

(x) In view of this order, the above Arbitration Application is disposed of.

(S.J.KATHAWALLA, J.)