

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.5670 OF 2019
IN ARB/8/2018

VIJAY KESHAVRAO DHAYADE
VERSUS
SATYAPREM JAGANNATH MEHTA AND OTHERS

Mr.G.K.Naik Thigle, Advocate for the applicant.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 08/11/2019

PER COURT :

1. None present for the respondents.
2. The learned Advocate for the applicant submits that the Arbitrator has already taken charge and the proceedings are moving. The parties are participating in the Arbitration proceedings. The Arbitrator has orally conveyed to the parties that he is not connected with either of them and does not have any interest directly or indirectly in the arbitration proceedings in any manner whatsoever. He, therefore, prays that the requirement of Section 11(8) of the Arbitration and Conciliation Act, 1996 may be dispensed with.

3. Section 11(8) reads as under :-

“Section 11(8) in THE ARBITRATION AND CONCILIATION ACT, 1996 :-

*(8) The Chief Justice or the person or institution designated by him, in appointing an arbitrator, shall have due regard to—
(a) any qualifications required of the arbitrator by the agreement of the parties; and
(b) other considerations as are likely to secure the appointment of an independent and impartial arbitrator.”*

4. Considering the above and the statement made by the learned Advocate for the applicant on instructions, this civil application is disposed off by recording that the requirement u/s 11(8) is dispensed with.

(Ravindra V.Ghuge, J.)