

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.268 OF 2019

Drishti Lifesaving Pvt. Ltd.

Through its authorised signatory

Antonio M. Menezes & Anr.

... Petitioners.

Versus

State of Goa & Anr.

.... Respondents

Mr. S. N. Joshi and Ms. S. Bhat, Advocates for the Petitioners.

Mr. D. Lawande, Advocate General with Mr. P. Dangui, Government Advocate for the Respondents.

***Coram : M.S. Sonak &
Nutan D. Sardesai, JJ.***

Date: 6th March, 2019

P.C.

Heard Mr. S. N. Joshi, learned counsel for the Petitioners and
Mr. D. Lawande, learned Advocate General for the Respondents.

2. After this matter was argued for some time, the learned counsel for the parties on the basis of the instructions from the respective parties whom they are representing agreed that the disputes which are subject

matter of this petition as well as such other and further disputes which arise in relation to the agreement dated 12th October, 2017 (Exhibit P-3) can be referred to the arbitration in terms of clause 8, which reads as follows :

“In the event of any question, dispute or difference of opinion arising under or out of or in any way relating to or concerning these presents or effects of these presents or in connection with the conditions herein contained or touching or concerning the meaning or effect thereof, or any other matter contained therein as to the rights, duties or liabilities of the parties hereto, howsoever, in connection with this Agreement, the same shall be referred to the sole arbitration of a person appointed by the Secretary (Tourism) to the Government of Goa. In the event of such arbitrator being transferred or vacates his office or refuses or is unable to act as such for any reason whatsoever, it shall be open to the Secretary (Tourism) to the Government of Goa to appoint another person in his place. The arbitrator so appointed shall be entitled to proceed with the reference from the stage at which it was pending. The arbitrator may, with the consent of both the parties to these presents, extend the time for making the award. The award of the arbitrator shall be final and binding on the parties to these presents. Save as aforesaid, the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996) and rules made thereunder shall apply to the appointment of Arbitrator and to the arbitration proceedings under this clause.”

3. The learned Advocate General states that consistent with clause 8 as aforesaid, the Secretary (Tourism), to the Government of Goa, will appoint an Arbitrator within three weeks from today and communicate

the details of such appointment to the Petitioners.

4. All contentions of all parties are left open for determination by the Arbitrator so appointed.

5. The fees of the Arbitrator will be shared equally by the parties initially subject no doubt, to the final order which the Arbitrator will make at the conclusion of the arbitration proceedings.

6 This petition is disposed of in the aforesaid terms. There shall be no order as to costs.

7. All concerned to act on the basis of the authenticated copy of this order.

Nutan D. Sardesai, J

M.S. Sonak, J

at*