

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 45 OF 2019

M/s.Bharat Udyog Limited ... Petitioner

Versus

Navi Mumbai Municipal Corporation ... Respondent

Mr.Nikhil Patil i/b. Mr.Prabhakar Jadhav for the Petitioner.
Mr.R.P.Sakhadeo for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 12TH APRIL, 2019

P.C.:

Admittedly, there exists an Arbitration Agreement between the parties and disputes have arisen between them. However, the Arbitration Clause provides that the Commissioner, Navi Mumbai Municipal Corporation (Respondent No.1) shall act as Arbitrator to decide the disputes between the parties, which cannot be done in view of sub-Section 5 of Section 12 of the Arbitration and Conciliation Act, 1996. In view thereof, the following Order is passed :

- i. Advocate Vaibhav Sugdare, is appointed as the sole Arbitrator to decide the disputes between the parties arising out of Tender dated 9th January, 2014.
- ii. The learned Arbitrator shall file his disclosure under Section 11 (8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996 on or before 30th April, 2019.

- iii. The parties and / or their Advocates shall appear before the learned Arbitrator in his chambers, on 2nd May, 2019 at 5.00 a.m. and obtain necessary directions.
 - iv. All contentions of the parties are kept open.
 - v. The arbitration expenses shall initially be borne by the parties equally.
 - vi. The venue of Arbitration shall be at Navi Mumbai.
2. The above Arbitration Petition is accordingly disposed off.

(S.J.KATHAWALLA, J.)