

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Arbitration Petition (ST) NO. 11764 OF 2019

M/s. NSC Projects Pvt Ltd.

...Petitioner

Versus

Union Of India & Anr.

...Respondents

Mr.Abhijeet A.Joshi with Namit V.Loya & Varsha Sawant, for the
Petitioner.

Mr.Yashodeep Deshmukh with Mr.B.B.Sharma & Vaidehi Deshkukh I/b.
G.Asnani, for the Respondents.

CORAM : G.S. KULKARNI, J.

DATE : 24 July 2019

P.C.

1. Heard the learned Counsel for the parties.
2. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short 'the Act'), whereby the petitioner prays for appointment of arbitral tribunal to adjudicate the disputes and differences between the parties which have arisen between the parties under the agreement No.CA No.CENM-14 of 2015-16 for the provision of extension and up-gradation of Runway alongwith allied operational infrastructure at CGAS Ratnagiri. There is no dispute in regard to the arbitration agreement between the parties which is contained in Clause 70 of the General

Conditions of Contract IAFW 2249.

3. After this petition was heard for some time, learned Counsel for the respondents fairly submits that his clients are agreeable for the disputes being referred for adjudication by appointing an arbitral tribunal. In view of the consensus between the parties, the petition can be disposed of in terms of the following order:-

ORDER

1. Mr.Mahendra S.Kakule, B.E.(Civil), M.Sc.(Real Estate Val.), F.I.V., M.I.E., M.I.C.A., Chartered Engineer, is appointed as a prospective Sole Arbitrator to arbitrate the disputes and differences between the parties under the agreement No.CA No.CENM-14 of 2015-16 for the provision of extension and up-gradation of Runway alongwith allied operational infrastructure at CGAS Ratnagiri.;
2. The prospective Sole Arbitrator, fifteen days before entering the arbitration reference, shall forward a statement of disclosure as per the requirement of Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act,1996, to the Prothonotary & Senior Master of this Court, to be placed on record of these proceedings with a copy to be forwarded to both the parties;
3. The fees payable to the arbitral tribunal shall be governed in

accordance with the fees prescribed under the Bombay High Court (Fees Payable to Arbitrators) Rules, 2018;

4. At the first instance, the parties shall appear before the prospective arbitrator within 15 days from today on a date which may be mutually fixed by the prospective sole arbitrator;

2. Learned prospective sole arbitrator is free to decide on the venue of the arbitral proceedings.

5. All contentions of the parties on merits of the matter are expressly kept open;

6. The petition is accordingly disposed of in the above terms. No costs.

7. Office to forward a copy of this order to the learned Arbitrator on the following address:-

Mr. Mahendra S. Kakule,
B.E. (Civil), M.Sc. (Real Estate Val.),
F.I.V., M.I.E., M.I.C.A.,
Chartered Engineer, Registered Valuer, Arbitrator
Office: Caculo House, Near Aquem Post Office,
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(G.S. Kulkarni, J.)