

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 58 OF 2019

M/s. Leo Infrastructures and others ... Petitioners

Versus

M/s. Haware Engineers and Builders
Private Limited Company ... Respondent

Mr. Kunal Chedda alongwith Mr. Chetan Mhatre instructed by M/s. Utangale & Co. for the Petitioners.

Mr. Nishant Tripathi alongwith Mr. Vaibhav Bandgar and Mr. Somnath Iyer instructed by M. Tripathi & Co. for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 3rd MAY, 2019

P.C.:

1. Admittedly, there is a Arbitration Agreement between the parties, wherein the parties have agreed to appoint three Arbitrators. However, since both the sides are now of the view that appointment of three Arbitrators would involve substantial expenses, they have agreed for appointment of a sole Arbitrator. Both the sides have suggested certain names. The Learned Advocate for the Respondent submits that his client is facing grave financial crisis and will not be able to pay very high fees and therefore, the Court may appoint a Counsel of this Court to decide the disputes between the parties. In view thereof, I appoint Mr. M.D. Siodia, Advocate and Solicitor, as the sole Arbitrator to decide the disputes between the parties arising out of the Development Agreement dated 16th December, 2008.

2. Advocate M.D. Siodia shall file his disclosure 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 (Act No.3 of 2016) (*the Act*) with the Registrar (Judicial-I), within a period of one week from today.
3. Parties shall be at liberty to move Application/s under Section 17 of the Act before the Learned Arbitrator seeking ad-interim/interim reliefs.
4. The parties shall appear before the Learned Arbitrator on 13th May, 2019 at 11.00 a.m. and obtain necessary directions.
5. The venue of arbitration shall be at Mumbai.
6. The cost of arbitration shall initially be borne by the parties equally.
7. All contentions of the parties on merits are kept open.
8. In view of this order, the above Arbitration Petition is disposed off.

(S.J.KATHAWALLA,J.)