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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION (ST.) NO.17910 OF 2019**

Chetas Control Pvt. Ltd. through its
Managing Director Mahesh Shivajirao Deshmukh ..Petitioner

Vs.

Navi Mumbai Municipal Corporation ..Respondent

Mr.S.B. Talekar with Ms.Madhavi Ayyappan i/b. M/s.Talekar &
Associates for Petitioner.

Mr.Sandeep Marne for Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 3rd JULY, 2019

P.C.:

This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, “the Act”) whereby the petitioner has prayed that an arbitral tribunal be appointed to adjudicate the disputes and differences between the parties which are stated to have arisen under the contract between the parties for “implementation of electronic data control and real time hydraulic data generation system for water supply network in NMMC area” entered between the respondent and the petitioner. The arbitration agreement is contained in clause 20.8 of the tender document. There is no dispute in regard to the existence of an arbitration agreement. It is also not in dispute that pre-agreement procedure as contemplated under sub-clause 20.9 to sub-clause 20.11 is also adhered by the petitioner and ultimately, as the disputes remained unresolved, the petitioner has invoked the arbitration agreement as entered between the parties.

2. On the above backdrop, after this petition was heard for sometime, learned Counsel for the respondent fairly accepts that there is an arbitration agreement and an arbitral tribunal can be appointed to

adjudicate the disputes. Hence, the following order:-

ORDER

- (i) Smt. Justice R.P. Sondurbaldota (Retd.) is appointed as a prospective sole Arbitrator to arbitrate the disputes and differences between the parties under the contract between the parties for “implementation of electronic data control and real time hydraulic data generation system for water supply network in NMMC area”;
- (ii) The learned 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 this petition with a copy to be forwarded to both the parties;
- (iii) 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;
- (v) All contentions of the parties on merits of the disputes are expressly kept open;
- (vi) The fees payable to the arbitral tribunal shall be in accordance with the Bombay High Court (Fee Payable to the Arbitrators) Rules, 2018;
- (vii) The petition is disposed of in the above terms. No costs.
- (viii) Office to forward a copy of this order to the learned Arbitrator on the following address:

“c/o. Suman Jain, Advocate,
11/13, Botawalla Building, 2nd floor, Office No.4A,
Opp. Asiatic Central Library, Horniman Circle,
Mumbai – 400 023.
Contact No. 9819821533”

[G.S. KULKARNI, J.]