

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 128 OF 2018

M/s. Talib & Shamsi Constructions Private Limited ... Petitioner

Versus

M/s. DSK Developers Limited ... Respondent

Ms. Vaishali Choudhari for the Petitioner.

None for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 11th JANUARY, 2019

P.C.:

1. On 20th December, 2018, this Court proposed to appoint Mr. Jayprakash S. Karpe, Retired District Judge as the sole Arbitrator to decide the disputes between the parties arising out of the Work Order dated 29th September, 2014 and sought disclosure from Mr. J.S. Karpe, Retired District Judge. The Advocate for the Petitioner was directed to serve a copy of the said Order dated 20th December, 2018 on the Respondent by hand-delivery. It was also directed in the said order that since the Watchman who guards the premises of the Respondent is not willing to give access to the Petitioner and is also not willing to acknowledge service of the papers, the Inspector In-charge of the local Police Station shall assist the Petitioner and/or their Advocates and/or their representatives in serving a copy of the order on the Respondent and obtaining their acknowledgement.

2. Accordingly, Mr. Jayprakash S. Karpe has filed his disclosure dated 22nd December, 2018. The Court was informed that the Police Authorities have not assisted him in serving a copy of the order on the Defendant and obtaining their acknowledgement. In view thereof, by an order dated 4th January, 2019, the Police Authorities were directed to comply with the order dated 14th December, 2018, which was earlier passed by this Court. Accordingly, the Police officials - Mr. Somnath Kadam and PC Jagtap have served copies of the Orders dated 14th December, 2018, 20th December, 2018 and 4th January, 2019 on the Respondent and Mr. Vinit Deshkar (Cell No.8380072384) has acknowledged receipt of the same. The acknowledgment is taken on record and marked 'Y' for identification. However, today none appear for the Respondent. In view thereof, the following order is passed :-

(a) Mr. Jayprakash S. Karpe, Retired District Judge, is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Work Order dated 29th September, 2014.

(b) The disclosure of Mr. Jayprakash S. Karpe, Retired District Judge, 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*) is taken on record.

(c) The parties shall appear before the Learned Arbitrator in his Chambers on 2nd February, 2019 at 12.00 noon in his Office at H-705, Saptasur Society, DSK Vishwa Dhayri, Pune 411 041, Mobile No.9730113390 and obtain necessary directions.

- (d) The venue of arbitration shall be at Pune.
 - (e) The cost of arbitration shall initially be borne by the parties equally.
 - (f) All contentions of the parties are kept open.
 - (g) A copy of this order shall be served on the Respondent with the help of Police assistance. Thereafter, if any correspondence is required to be served by the Arbitrator on the Respondent, the same shall be served by Speed Post / Registered Post A.D. at the address of the Defendant shown in the Petition, since on every occasion, the Police cannot be asked to accompany the Petitioner to effect service on the Respondent.
3. In view of this order, the above Arbitration Petition is disposed off.

(S.J.KATHAWALLA, J.)