

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION NO. 130 OF 2018

Gulmohar Builders ... **Petitioner**
V/s.

The Director, Maharashtra State Text Book
Production and Curriculum Research
Corporation & Anr. ... **Respondents**

Mr. K.S. Yadav i/b. Neel Girish Helekar for the petitioner.
Mr. Arvind Aswani i/b. J.G. Reddy for respondent no. 1.

CORAM : G.S.KULKARNI, J.
DATE : 11th September, 2019

P.C.:

Heard learned counsel for the parties.

2. This is a Petition filed under section 15 of the Arbitration and Conciliation Act, 1996 for appointment of a substitute arbitrator.

3. My attention is drawn to the communication dated 21st June, 2018 issued to the parties by the earlier appointed arbitrator Smt. Asha Lalit Deshmukh expressing her inability to conduct arbitration due to personal reasons.

4. After this petition was heard for sometime, learned counsel for the respondent also would not have objection for appointment of a substitute arbitral tribunal.

5. Accordingly, following order is passed.

ORDER

- (i) Mr. K.G. Khadse, Architect is appointed as a substitute arbitrator to adjudicate the disputes between the parties.
- (ii) The learned substitute 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 Registrar (Judicial-I), to be placed on record of this application with a copy to be forwarded to both the parties, if not already made;
- (iii) The arbitral proceedings shall commence from the stage the proceedings had reached before the erstwhile arbitral tribunal.
- (iv) The fees payable to the arbitral tribunal shall be as prescribed under the Bombay High Court (Fees Payable to Arbitrators) Rules, 2018.
- (v) All contentions of the parties are expressly kept open;
- (vi) The petition is disposed of in the above terms. No costs.
- (vii) Office to forward a copy of this order to the learned Arbitrator on the following address:
31, 'Sarthak', Alankar Society,
Karvenagar, Pune – 400 038.
Tel. No. 020-25438541, 25381643
(M) : 9860828228

(G.S.KULKARNI, J.)