

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Arbitration Appeal No. 14 OF 2013

M/s.Perfect Coatings (I) Pvt.Ltd. ...Appellant
Versus
M/s.VCM Polyurethane Pvt.Ltd. Through
Shri.Kishor Behrilal Chhabria & Anr. ...Respondents

AND

Arbitration Appeal No.63 OF 2012

M/s.Perfect Coatings (I) Pvt.Ltd. ...Appellant
Versus
Shri.Kishor Behrilal Chhabria & Anr. ...Respondents

with

Civil Application no.32 of 2013

Mr.Sachin Dhakephalkar, for the Appellant/Applicant.

Mr.Rishabh Shah with Deepak Lad with Chirag Bhatia I/b. Advani & Co.,
for the Respondents.

CORAM : G.S. KULKARNI, J.

DATE : 24 July 2019

P.C.

1. Heard learned Counsel for the Appellant and the learned Counsel for the respondents.
2. This is an appeal filed under Section 37 of the Arbitration and

Conciliation Act,1996 (for short 'the Act'). The appellant challenges an order dated 19 October 2011 passed by the learned District Judge-7, Pune whereby Miscellaneous Civil Application no.347 of 2001 filed under Section 34 of the Act assailing the award of the arbitral tribunal dated 11 January 2001 is set aside.

3. After these proceedings were heard for some time, learned Counsel for the parties on instructions are agreeable that the impugned award dated 11 January 2001 passed by the arbitral tribunal be set aside as also the impugned order passed by the learned District Judge, consequently, be also set aside. The parties are agreeable for the disputes be referred to an arbitral tribunal, for denovo adjudication on its merits.

4. In view of the consensus between the parties, the appeals are required to be disposed of in terms of the following order:-

ORDER

(I) By consent of the parties, the award dated 11 January 2001 passed by the Sole Arbitrator Mr.A.Y.Chaphekar, is set aside. Consequently, the impugned order dated 19 October 2011 passed by the learned District Judge-7, Pune, is also set aside.

(II) The parties are agreeable for reference of the disputes to arbitration of Smt.Justice R.P.Sondurbaldota (Retd).

(III) Accordingly, Smt.Justice R.P.Sondurbaldota (Retd.) is appointed as a prospective Sole Arbitrator to arbitrate the disputes and differences between the parties.

(IV) 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 Registrar Judicial (I) of this Court, to be placed on record of these proceedings with a copy to be forwarded to both the parties;

(V) The fees payable to the arbitral tribunal shall be as prescribed by the Bombay High Court (Fees Payable to Arbitrators) Rules,2018;

(VI) The parties are directed to appear before the sole arbitrator within 15 days from today on a date which may be mutually fixed by the prospective sole arbitrator.

(VII) Considering that the dispute is quite old, the learned Sole Arbitrator shall endeavour to adjudicate the disputes as expeditiously as possible in any event within the period stipulated under Section 29A of the Arbitration and Conciliation Act,1996;

- (VIII) All contentions of the parties are expressly kept open;
- (IX) Both the proceedings are accordingly disposed of in the above terms. No costs.
- (X) Office to forward a copy of this order to the learned Arbitrator on the following address:-

Smt.Justice R.P.Sondurbaldota (Retd),
Address: Survey No.99/1B,
Ambegaon (Kh.),
Taluka Haveli,
Dist.Pune-411046
Mobile: 9819821533

5. In view of disposal of the appeal no.63 of 2012 as aforesaid, nothing survives in the pending Civil Application no.32 of 2013, it is accordingly disposed of.

(G.S.Kulkarni, J.)