

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

COMMERCIAL ARBITRATION APPLICATION NO.89 OF 2019

Deepak Cables (India) Ltd.

...Applicant

Versus

Maharashtra State Electricity Distribution Co.Ltd. ...Respondent

Mr.Chirag Mody with Sunil Gangan, i/b. RMG Law Associates, for the Applicant.

Ms. Prerna Gandhi i/b. DSK Legal, for the Respondent.

CORAM: G.S.KULKARNI, J.

DATED: 9th April, 2019

P.C.:

1. Heard the learned Counsel for the applicant and the learned Counsel for the respondent.
2. This is an application under Section 11 of the Arbitration and Conciliation Act,1996 (for short 'the Act') whereby the applicant has prayed for appointment of an arbitral tribunal to adjudicate the disputes and differences between the parties, which have arisen under the contract agreement dated 13 October 2008. It is not in dispute that clause 17 of the contract in question read with clause 20.4 of the General Conditions of the

Contract contains the arbitration agreement between the parties. The applicant by his letter dated 23rd January 2019 invoked the arbitration agreement seeking appointment of an arbitral tribunal, for adjudication of the disputes and differences as arisen between the parties.

3. After this petition was heard for some time, the learned Counsel for the respondent, on instructions is agreeable that the disputes and differences between the parties be referred for adjudication, by appointing an arbitral tribunal.

4. In the above consensus between the parties, the application is required to be disposed of by the following order:-

ORDER

I. Hon'ble Justice Naresh H. Patil, Former Chief Justice of Bombay High Court, is appointed as a prospective sole arbitrator to adjudicate the disputes and differences between the parties under the contract agreement dated 13 October 2008;

II The learned prospective 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 and Senior Master of this Court, to be placed on record of this application with a copy to be forwarded to the parties;

III. At the first instance, the parties are directed to appear before the prospective sole Arbitrator within ten days from the date of disclosure as may be made by the learned prospective sole arbitrator, on a date and time as may be fixed by the learned prospective Arbitrator;

IV. All contentions of the parties on merits of the matter are expressly kept open;

V. The learned prospective arbitrator shall endeavour to publish an award as expeditiously as possible and within the time limit as prescribed under Section 29-A of the Act;

VI. The application is disposed of in the above terms. No costs.

5] Office to forward a copy of this order to Hon'ble Mr. Justice Naresh H. Patil. (Cell No.9422210444).

(G.S.Kulkarni,J.)