

ARBITRATION PETITION (L) NO.275 OF 2019

Vishal Structurals Pvt. Ltd	...	Petitioner
V/s.		
Oil and Natural Gas Corporation Ltd.	...	Respondent.

Mr.Mohammed Zain Khan, for the Petitioner.
Mr. Girish Paryani, for respondent

CORAM : G. S. KULKARNI, J.

DATE : 30TH APRIL, 2019.

P.C. :

1] Heard learned counsel for the petitioner and learned counsel
for the respondent.

2] By this petition filed under Section 15 of the Arbitration and Conciliation Act, 1996 (for short, "ACA"), petitioner has prayed for appointment of a substitute arbitral tribunal as the arbitral tribunal so appointed in terms of the Minutes of the meeting dated 20th February, 2019 has terminated its mandate leaving the parties to adopt further appropriate remedies.

3] After this petition was heard for some time, learned counsel for the parties, on instructions, are agreeable for appointment of substitute arbitral tribunal. The parties are also agreeable that now the disputes and

differences be referred for arbitration of the sole arbitrator. In view of the consensus between the petition is required to be disposed of in terms of the following order.

Order

i] Mr. Justice Naresh Patil, Former Chief Justice of this Court, is appointed as the prospective substitute Arbitrator to adjudicate the disputes and differences between the parties, arising under the contract dated 30th May, 2007 April, 2007.

ii] The prospective sole arbitrator, fifteen days before entering the arbitration reference, shall forward a statement of disclosure as per the provisions 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 these applications with a copy to be forwarded to both the parties;

iii) At the first instance, the parties shall appear before the prospective arbitrator within 10 days from today at a date and time as may be fixed by the prospective arbitrator.

iv] 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;

v) All contentions of the parties on merits of the matter are expressly kept open.

(vi) The Arbitration petition is disposed of in the above terms. No

costs.

3. Office to forward a copy of this order to the learned Arbitrator on the following address:

Mr. Justice Naresh Patil (Retd)
Former Chief Justice of Bombay High Court,
Rajgir Chamber,
Office No.63, 7th floor,
Opp. Old Custom House, Fort,
Mumbai 400 001.

[G. S. KULKARNI, J]