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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.740 OF 2018**

Arch Realtors Pvt. Ltd and anr V/s. Noorjahan Jahangir Ansari and 2 others	...	Petitioner. Respondents
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- Mr. Tushar Garodia a/w Kausar Banatwala and Ami Brahmhatt, for the Petitioner.
- Laxmi Narayan Shukla i/by Legal Vision, for respondent

CORAM : G. S. KULKARNI, J.

DATE : 13th FEBRUARY, 2019.

P.C. :

1] This application is filed under section 15 of the Arbitration and Conciliation Act, 1996 (for short, "the ACA") whereby the applicant is seeking appointment of a substitute Arbitrator, as the sole Arbitrator as earlier appointed Shri S.R.Shah Senior Advocate, expired during the pendency of the arbitration proceedings.

2] It is not in dispute that the mandate of the sole Arbitrator stands terminated on account of the death of the learned Arbitrator during pendency of the arbitration. The disputes and differences ought to be agitated from the stage the proceedings were left by appointing a new Arbitral

Tribunal.

In the facts and circumstances, the following order.

Order

i] Mr. Arzan Balsara Advocate of this Court is appointed as the substitute prospective Arbitrator to adjudicate the disputes and differences between the parties, arising under the agreement dated 16.4.2010. It would be open to the arbitrator so appointed to proceed in the arbitration from the stage at which the proceedings were left before earlier Tribunal.

ii] The 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 & 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 time as may be fixed by the prospective arbitrator.

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

(v) 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:

201, Savla Chambers, 40, Cawasji Patel Street, Fort, MUMBAI-400 001
(Mobile No.9820284989 and 22810583/84)

[G. S. KULKARNI, J]