

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMMERCIAL ARBITRATION PETITION NO.17 OF 2015

Siddhivinayak Construction Pvt. Ltd.

...Petitioner

vs

Manik Developers

...Respondent

.....

Mr. Sanjay Jain, a/w. Mr. Nishant Sasidharan, Mr. Huzefa Khokhawala and Ms. Janaki Garde, i/b. M/s. Nankani Associates, for the Petitioner.

Ms. Usha Purohit, i/b. Ms. Rumana Bagdadi, for the Respondent.

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CORAM : S.C. GUPTE, J.

DATED: 11 JANUARY, 2019

P.C. :

. After the matter is heard at some length, it is agreed between learned Counsel for the parties that the impugned award may be set aside by consent and the matter be remanded to a new arbitrator for a fresh hearing in accordance with law at the stage of submissions. Accordingly, by consent the impugned award dated 4 February 2015 is set aside and the reference is remanded to Mr. Vishal Kanade, Advocate, for a fresh hearing in accordance with law, subject to his disclosure and consent. The learned arbitrator shall treat the pleadings and evidence, forming part of the record of the proceedings as pleadings and evidence in the reference and shall only hear the parties orally on submissions. The arbitrator shall dispose of the reference and declare his award within a period of four months from today. The petition is disposed of in these terms.

(S.C. GUPTE, J.)