

vks

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

COMMERCIAL ARBITRATION APPLICATION (L) NO.219 OF 2019

Kirloskar Brothers Ltd.	...	Applicant.
V/s.		
Reliance Naval and Engineering Ltd	...	Respondent.

Mr. Cyrus Bharucha, Ms. Ipshita Sen, Mr. Pravin Kejriwal
i/by Gagrats, for the applicant.

Ms. Sumit Raghani a/w Darshil Thakkar i/by Agrud
Partners, for respondent

CORAM : G. S. KULKARNI, J.

DATE : 7th June 2019.

P.C. :

1] Leave to incorporate in the cause title of the petition the provisions of Sections 14 and 15 of the Arbitration and Conciliation Act, 1996 (for short, "ACA").

2] The amendment to be carried out during the course of the day.

3] The prayer in this petition is for appointment of a substitute arbitral tribunal, in view of the erstwhile learned sole arbitrator Mr. Justice V. G. Palshikar (Retd), having expired, at the stage of hearing of the final arguments of the parties.

4] Having heard the learned counsel for the parties and on perusal of the averments as made in the petition a substitute arbitrator would be

required to be appointed. Hence, the following order.

Order

i] Mr. Justice Naresh H. Patil, former Chief Justice of this Court, is appointed as the substitute sole Arbitrator to adjudicate the disputes and differences between the parties, arising under the Supply Contract and Erection and Commissioning Contract for the design, manufacture and supply of four vertical turbine pumps and their associates system, dated 25th October, 2007. It would be open to the prospective sole arbitrator to proceed in the arbitration from the stage at which the proceedings had arrived before earlier arbitral Tribunal;

ii] The substitute 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 this application 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 or at a date and time as may be fixed by the prospective arbitrator, and submit entire record of the arbitral proceedings;

iv] The learned substitute arbitrator shall endeavour to publish an award as expeditiously as possible and preferably within six months from the day he enters arbitration;

v) All contentions of the parties on merits of the matter are

expressly kept open;

vi] The fees of the arbitral tribunal shall be governed in accordance with the fees prescribed under the Bombay High Court (Fees Payable to Arbitrators) Rules, 2018;

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

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

Ragir Chambers,
Office No.63, 7th floor,
Opp. Old Customs House,
Fort, Mumbai 400 001.
Mobile No.9422210444
email id: nareshhpatil7@gmail.com

[G. S. KULKARNI, J]