

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****ARBITRATION PETITION NO.1062 OF 2014**

Ramesh Velhankar
vs
Bombay Chemicals Pvt. Ltd. And Anr.
.....
Ms. Deepa Kamath, for the Petitioner.

....Petitioner
...Respondents

Mr. Rohaan Cama, a/w. Mr. T.N. Tripathi, a/w. Ms. Sapana Rachure and
Ms. Kalyani Wagle, i/b. T.N. Tripathi & Co., for Respondent No.1.

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CORAM : S.C. GUPTE, J.

DATED: 6 FEBRUARY 2019

P.C.:

. After the matter is heard at some length, it is agreed between learned Counsel for the parties that the impugned award dated 15 April 2014 may be set aside by consent and the reference be remanded for a fresh hearing in accordance with law to a new arbitrator. Learned Counsel agree for appointment of Mr. Jehangir Jejeebhoy, Advocate, as a sole arbitrator, subject to his disclosure and consent, to hear the reference. Accordingly, the impugned award dated 15 April 2014 is set aside and the reference is remanded to Mr. Jehangir Jejeebhoy, Advocate, for a fresh hearing in accordance with law. The arbitrator shall take up the reference from the stage of cross-examination of the claimant's witness. One of the grievances of the Petitioner herein is that no statement of account has been furnished to him by Respondent No.1 (original claimant). The Petitioner may indicate the statement of

account required by him. Respondent No.1 shall, thereupon, communicate such statement of account to the Petitioner. In case the Petitioner proposes to make any additional written statement in response to the statement of account furnished to him, he may make a request accordingly to the learned arbitrator. The request shall be considered on its own merits. The arbitrator shall conclude the proceedings and declare his award within a period of six months from the date of entering upon the reference. The venue of the reference shall be Mumbai. Both sides undertake to the Court to appear before the learned arbitrator from time to time and co-operate for early disposal of the reference. All rights and contentions of the parties on merits are kept open. The petition is disposed of in the above terms.

(S.C. GUPTE, J.)