

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****ARBITRATION PETITION NO. 622 OF 2016****M/s.Schokhi Industrials Pvt. Ltd.****..... Petitioner****VERSUS****Maharashtra State Power Generation
Company Limited****..... Respondent****ALONGWITH****ARBITRATION PETITION NO. 950 OF 2015****Maharashtra State Power Generation
Company Limited****..... Petitioner****VERSUS****M/s.Schokhi Industrials Pvt. Ltd.****..... Respondent**

Mr.M.S.Bhandari, i/b. Ms.Pranjali Bhandari for the Petitioner in ARBP/622/2016 and for the Respondent in ARBP/950/2015.

Mr.Sanjay Jain, a/w. Mr.Sumeet Bansod, i/b. M/s.LJ Law for the Petitioner in ARBP/950/2015 and for the Respondent in ARBP/622/2016.

CORAM : R.D. DHANUKA, J.**DATE : 16th OCTOBER, 2019****P.C.**

By consent of parties, arbitral award dated 2nd March,2015 is set aside in toto.

2. By consent of parties, Ms.Sowmya Srikrishnan, a counsel of this court is appointed as a sole arbitrator to adjudicate upon the disputes which were referred to the erstwhile arbitrator.

3. All the contentions including the maintainability of the claims and the counter claims raised in the proceedings are kept open.

4. Both the parties have further agreed that they would not file any additional pleadings or evidence before the learned arbitrator and would argue their case on the basis of the record available before the learned arbitrator.

5. The learned arbitrator shall decide the matter afresh without being influenced by the observations made and the conclusion drawn in the impugned award.

6. The fees of the learned arbitrator shall be paid by both parties equally at the first instance.

7. Arbitration Petition No. 950 of 2015 and Arbitration Petition No. 622 of 2016 are disposed of on the aforesaid terms. No order as to costs.

8. It is made clear that this court has not expressed any views on the merit of the matter.

9. The parties are directed to convey this order to the learned arbitrator. The parties are directed to collect the original records and proceedings from the erstwhile arbitrator and shall file such record with the learned arbitrator expeditiously.

10. The learned arbitrator is directed to file statement of disclosure under section 12(1) read with Schedule 5 and 7 of the Arbitration and

Conciliation Act, 1996 within two weeks from the date of communication of this order.

11. The parties are directed to co-operate with each other and with the learned arbitrator in disposing of the arbitration proceedings expeditiously.

12. The learned arbitrator shall make an endeavour to dispose of the proceedings within six months from the date of commencement of the arguments.

[R.D.DHANUKA, J.]