

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

ARBITRATION PETITION NO. 238 OF 2015

M/s.Elpro Estates Ltd.

...Petitioner

vs

Antelec Ltd.

...Respondent

Mr.Gaurav Mehta with Sairam Subramanian and Aastha Arora I/b. Khaitan & Co. for Petitioner.

Mr.Sanjay Kothari and Karl Shroff with Avinash Joshi I/b. Mulla & Mulla & Craigie Blunt & Caroe for Respondent.

CORAM : S.C.GUPTE, J.

DATE : 31 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 and the arbitration reference be remanded to a new arbitrator for a fresh hearing in accordance with law.

2 Accordingly, by consent, the impugned award dated 15 September 2014 is set side and the reference is remanded to Mr.Karl Tamboly, Advocate, for a fresh hearing in accordance with law subject to his consent and disclosure. It is agreed by learned Counsel for the Petitioner that the Petitioner shall not raise any issue of jurisdiction before the arbitral tribunal, since that issue has been decided by this court whilst making an appointment of the arbitral tribunal under Section 11 of the Arbitration and Conciliation Act, 1996. The pleadings and evidence filed by the parties before the arbitral forum and which form part of the record and proceedings in the present petition shall be treated as pleadings and

evidence, respectively, of the parties. The parties have agreed not to file any further pleadings or evidence before the new arbitrator. There will, of course, be liberty to file written submissions, if any.

3 The arbitrator is requested to dispose of the reference and declare his award, as expeditiously as possible and preferably within four months from entering upon the reference.

4 The arbitration petition is disposed of in the above terms.

(S.C. GUPTE, J.)