

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
REVIEW PETITION (L) NO.21 OF 2018
IN
ARBITRATION APPLICATION NO.193 OF 2018**

Municipal Corporation of Greater Mumbai ... Petitioner
versus
Kekobad Dossabhoy Doongriwalla and Anr. ... Respondents

Mr. Awaiz Ahmedgi with Mr. R.Y.Sirsikar, for Petitioner.
Dr. Birendra Saraf with Mr. Rohan Savant, Ms. Dhawani Bokaria I/by Purnanand and Co., for Respondents.

**CORAM: S.J. KATHAWALLA, J.
DATE: 12th MARCH, 2019**

P.C.:

1. The order dated 24th August, 2018 is recalled. Review Petition is disposed off. Arbitration Application No.193 of 2018 is restored to file and taken up for hearing.
2. Heard the learned Advocates for the parties. Perused the order pronounced on 21st March, 2019 by R.D.Dhanuka, J. by which the Award dated 31st July, 2015 was set aside. Since the Award is set aside, a fresh Application is filed by the Applicant under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator. The only objection raised by the Respondents against the above Application is that an Appeal is filed impugning the order passed by R.D.Dhanuka, J. The order is approximately one year old. Admittedly, no stay is obtained from the Appellate Court. Infact, I am informed that the said Appeal is dismissed for non-

removal of objections. Since there is no other defense advanced on behalf of the Respondents, the following order is passed :

(i) Mr. Ankit Lohia, Advocate, is appointed as the sole Arbitrator to decide the disputes between the parties arising out of the Agreement as recorded in the Order dated 7th July, 2014, passed in Second Appeal No.1216 of 2005.

(ii) The disclosure of Mr. Ankit Lohia, Advocate under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996 is taken on record.

(iii) The parties and/or their Advocates shall appear before the learned Arbitrator in his chambers on 31st August, 2018 at 5.00 p.m., and obtain necessary directions.

(iv) All contentions of the parties are kept open.

(v) The cost of Arbitration shall initially be borne by the parties equally.

(vi) The venue of Arbitration shall be at Mumbai.

(vii) The above Arbitration Application is accordingly disposed off.

3. The above Review Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)