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

ARBITRATION PETITION (L) NO.1499 OF 2018

Megha Constructions ... Petitioner

V/s.

Steel Authority of India
Ltd. ... Respondents

- Mr. Naved Chowdhari i/by Bhuta & Associates, for the Petitioner.
- Mr. Ashwin Sakelkar, Mr. Hiren Kamode, Mr. Pranav Shah i/by Abhishek Adke, for respondent

CORAM : G. S. KULKARNI, J.

DATE : 30TH APRIL, 2019.

P.C. :

1] Heard learned counsel for the petitioner and learned counsel for the respondent. Perused the arbitration agreement between the parties which is contained in clause 10.3 of the agreement, it is clear that the parties have agreed that in case of any disputes and differences arising between the parties and/or relating to the construction, interpretation, application, meaning, scope, operation or effect of contract or the validity or the breach thereof, shall be settled by arbitration in accordance with the

rules of arbitration of the SCOPE and the award made in pursuance thereof shall be final and binding on the parties.

2] My attention has been drawn to the Rules of Arbitration and Conciliation 2003 of the Standing Conference of Public Enterprise (for short "SCOPE"). Rule 8(D) of SCOPE, provides authority with the Vice President, to appoint substitute arbitral tribunal, in case arbitral tribunal so resigns. The case of the petitioner is that by an order dated 18.6.2018, arbitral tribunal in terms of the said order has decided to terminate the proceeding under section 32 (2) (C) of ACA.

3] Learned counsel for the petitioner submits that the petitioner's application for arbitral tribunal to be reconstituted is also pending with the SCOPE. Thus, considering Rule 8D of the SCOPE Rules, it would be appropriate that the petitioner pursues it's application before the said authority as agreed between the parties, under the arbitration agreement and if such application is pending, it be decided as expeditiously as possible, by the SCOPE, and preferably within 15 days from today.

4] Keeping all the contentions of the parties open, the petition is accordingly disposed of in above terms. No cost.

5] If so advised, the petitioner also to file fresh application as per Rule 8(D) of the SCOPE and copy of the same be served on the respondent.

[G. S. KULKARNI, J]