

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO.47 OF 2020

IN

APPLN. FOR APPOINTMENT OF ARBITRATOR NO.17 OF 2018

M. N. Ninan

...Applicant

Versus

Bharat Sanchar Nigam Ltd.

... Respondent

Mr. Rui Alberto Gomes Pereira, Advocate for the Applicant.

Mr. P. P. Singh and Mr. Devendra Bharadwaj, Advocates for the Respondent.

Coram : M. S. SONAK, J

Date : 5th February, 2021

P.C.

This is an application seeking appointment of Arbitrator.

2. On 14th January, 2021, the following order was made in this matter.

“Heard Mr. Rui Alberto Gomes Pereira for the Applicant.

2. The records indicate that service is complete upon respondent no.3.

3. This is an application seeking appointment of arbitrator. There is no dispute that in relation to this very dispute itself by order dated 25.01.2019 in

application for appointment of an arbitrator No.17/2018, this Court had appointed retired District Judge Shri P. V. Kamat as Arbitrator. Such order is in fact annexed as Exhibit A to this application.

4. This application now states that consequent upon Shri P. V. Kamat being appointed as member of the Real Estate Regulatory Authority under the RERA Act, has expressed inability to continue as Arbitrator. It is on this ground that appointment of another Arbitrator is applied for.

5. Taking into account the earlier order dated 25.01.2019, it is proposed to appoint Hon'ble Justice A. P. Lawande, Retired Judge of this Court as Arbitrator in this matter.

6. Accordingly, the parties to serve a copy of this Order upon Hon'ble Justice A. P. Lawande, in order to enable His Lordship to file his statement of disclosure as contemplated under the sixth schedule of the Arbitration and Conciliation Act, 1996.

7. Mr. Pereira states that a copy of this order will be furnished to Hon'ble Justice A. P. Lawande at the earliest. Mr. Pereira also states that a copy of this order will be served upon the respondents on or before the next date. In addition to such service, leave is granted to serve a copy of this order on Shri P.P. Singh, learned counsel who appeared on behalf of the respondents in application for Appointment of Arbitrator No.17/2018.

8. The matter is now posted on 28.01.2021.”

3. The Hon'ble Justice A. P. Lavande, former Judge of this Court has already filed necessary disclosure statement/declaration dated 1st February, 2021.

4. Upon hearing Mr. Rui Alberto Gomes Pereira and Mr. P. P. Singh, learned counsel for the parties, the Hon'ble Justice A. P. Lavande is appointed as an Arbitrator in the matter.

5. The arbitration, including fees for Arbitrator will be governed by the provisions of the Arbitration and Conciliation Act, 1996 as also the Rules made thereunder.

6. The application for appointment of Arbitrator is disposed of in the aforesaid terms.

7. All concerned to act based on the authenticated copy of this order.

M. S. SONAK, J.

at*

TARI AMRUT
NAGESH

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