

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 13 OF 2021**

ITD Cementation India Ltd (JV) ...Petitioner
Versus
Pune Municipal Corporation through its Water
Supply & Sewerage (Project) Department ...Respondent

**Mr Saurish Shetye, with Aniket Pawar, i/b Vishal Shriyan, for the
Petitioner.**
Mr Rajdeep Suresh Khadapkar, for Respondent No. 1.

**CORAM: G.S. PATEL, J
DATED: 13th September 2021**

PC:-

1. Parties are agreed on the nomination of Mr SB Tamsekar as the Sole Arbitrator to decide the disputes and differences arising from the Work Order dated 29th January 2015. The nomination is accepted.

2. A note with Mr Tamsekar's qualifications and previous work experience is tendered. This note is taken on record and marked "A1" for identification with today's date. The disputes and differences between the parties are accordingly referred to the sole arbitration of Mr Tamsekar.

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signed by
SHEPHALI
SANJAY
MORMARE
Date:
2021.09.14
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+0530

SHEPHALI
SANJAY
MORMARE

TERMS OF APPOINTMENT

(a) **Appointment of Arbitrator:** By consent, Mr SB Tamsekar, is hereby nominated to act as a Sole Arbitrator to decide the disputes and differences between the parties under the Work Order dated 29th January 2015.

(b) **Communication to Arbitrator of this order:**

(i) A copy of this order will be communicated to the learned Sole Arbitrator by the Advocates for the Petitioner within one week from the date this order is uploaded.

(ii) The Advocates for the Petitioner will forward an ordinary copy of this order to the learned Sole Arbitrator at the following postal and email addresses:

Arbitrator/s Mr SB Tamsekar

Address 701, Vishwakarma Appts, 54,
Rambag Colony, Paud Road,
Kothrud,
Pune 411 038

Mobile 7977704075

Email tamsekar@gmail.com

(c) **Disclosure:** The learned Sole Arbitrator is requested to forward, in hard copy or soft copy (or both), the necessary statement of disclosure under Section 11(8) read with Section 12(1) of the Arbitration Act to Advocates for the parties as soon as possible. The Advocates for the Petitioner will arrange to file the

original statement in the Registry. If the statement is forwarded in soft copy, a print out of the covering email is also to be filed in the registry.

- (d) **Appearance before the Arbitrator:** Parties will appear before the learned Sole Arbitrator on such date and at such place as the learned Sole Arbitrator nominates to obtain appropriate directions in regard to fixing a schedule for completing pleadings, etc.
- (e) **Contact/communication information of the parties:** Contact and communication particulars are to be provided by both sides to the learned Sole Arbitrator. The information is to include functional email addresses and mobile numbers.
- (f) **Section 16 application:** The respondent is at liberty to raise all questions of jurisdiction within the meaning of section 16 of the Arbitration Act. All contentions are left open.
- (g) **Interim Application/s:**
 - (i) Liberty to the parties to make an interim application or interim applications including (but not limited to) interim applications under Section 17 of the Arbitration & Conciliation Act, 1996 before the learned Sole Arbitrator. Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.

- (ii) The learned Sole Arbitrator is requested to dispose of all interim applications at the earliest.
 - (h) **Fees:** The arbitral tribunal's fees shall be governed by the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.
 - (i) **Sharing of costs and fees:** Parties agree that all arbitral costs and the fees of the arbitrator will be borne by the two sides in equal shares in the first instance.
 - (j) **Consent to an extension if thought necessary.** Parties immediately consent to a further extension of up to six months to complete the arbitration should the learned Sole Arbitrator find it necessary.
 - (k) **Venue and seat of arbitration:** Parties agree that the venue and seat of the arbitration will be in Pune.
 - (l) **Procedure:** These directions are not in derogation of the powers of the learned Sole Arbitrator to decide and frame all matters of procedure in arbitration.
3. The Petition is disposed of in these terms. No costs.
4. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)