

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 493 OF 2018

V. Krishnamurthy

... Petitioner

Versus

Union of India & Ors.

...Respondents

Mr. Rajesh Gehani a/w Mr. Mahendra Agvekar and Ms. Shraddha Chavan
for Petitioner.

Mr. Chetan C. Agrawal for Respondent.

CORAM : K.R.SHRIRAM, J.

DATED : 18th FEBRUARY 2021.

P.C. :

1. Parties have entered into the Consent Minutes of Order dated 18th February, 2021 which is signed by petitioner's constituted authority and respondent's authorised signatory and their respective advocates. Mr.Gehani and Mr. Agrawal state that Mr. Kamath and Mr. Sanap who have signed Consent Minutes of Order are present in the court on line and identify them. Mr. Sanap informs the court that he is authorised to sign this Consent Minutes of Order. Statement accepted.

2. The Consent Minutes of Order is taken on record and marked "X" for identification.

3. For ease of reference, the Consent Term is scanned and reproduced herein below :-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 493 OF 2018

Mr. V. Krishnamurthy,
proprietor M/s. Meena Advertisers .. Petitioner

v/s

Union of India & Others .. Respondents

Date : 18th February 2021.

Court : Honourable Shri. Justice Mr. K R Shirsani

Appearance : For Petitioners - Rajesh Gehani s/w. Mahendra
Agavekar and Shradha Chavhan
For Respondents - Chetan Chandulal Agrawal

Consent Minutes Of Order:

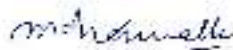
The parties' abovenamed agree as under:

1. That the Award under challenge dated Nil at Exhibit F and Award dated 23rd February 2018 at Exhibit G are hereby quashed and set aside.
2. The Original Claim of the Petitioner as set in particulars of claim to the petition with modification at Item No.1 of Exhibit A amounting to Rs.4,92,583/- is reduced to Rs.3,91,301/- as the Petitioner admits that an amount of Rs.1,01,282/- has been received by them on 21st May 2019. Item Nos. 2 the claim of refund of Rs.9,23,900/- paid towards the Electricity deposit vide letter dated 01.06.2005. and item No.3 is interest @ 18% p.a. on Rs.9,23,900/- from 11th June 2008 to 30th June, 2016 . The Total Claim of the Petitioners is now reduced to Rs.26,45,617/ and interest as claimed at the rate of 18% on Item No. 1 & 2 from 1st July 2016 onwards till the amount is paid.

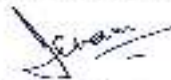
mohd. ali
Chavhan

3. It is agreed that the subject matter of the Arbitration shall be referred to Shri Harshad Sarhe, Advocate, office at 2nd Floor, Old Oriental Building, Opp. HSBC Bank, 65, M.G.Road, Fort, Mumbai.
4. The Respondents will approach the earlier Arbitrator and will make efforts to collect all the original records and proceedings relating to this Arbitration and will forward to the newly appointed Arbitrator Shri Harshad Sarhe on or before the first date of hearing before him.
5. It is agreed that the pleadings of both the parties are completed however both the parties may, if they so desire, file any additional documents before the Arbitrator in support of their respective claims/counterclaims. The newly appointed arbitrator to consider the admissibility and relevance of the newly introduced documents, if any, by both the parties.
6. The Arbitrator shall hear the parties on the basis of material and documents on record and decide the Petitioner's Claim and the Respondent's Counter Claim within 6 months of the disposal of this Petition.
7. The above Petition stands disposed off in terms of the consent minutes.

For Petitioner

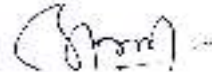


Shri Mahesh Kamath
Manager, Marketing.



Rajesh Gehani
Advocate

For Respondents



Shri Abhay Sanap
Designation: BOM, BCT, WR



Chetan Chandulal Agrawal
Advocate



महाराष्ट्र MAHARASHTRA

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AG 327381

महाराष्ट्र नगर न्यायिक रुपये
 रु. 500
 5 - 6 APR 2018
 न्यायिक अधिकारी

श्रीमती. एन. वि. नसुकर,

GENERAL POWER OF ATTORNEY

TO ALL TO WHOM THESE PRESENTS SHALL COME,
 V. Krishnamurthy, an Adult aged about 70 years, , having office
 address at New 166/Old #162, Eldama Road, Teymampet, Chennai
 600 018 and having branch office address at 451, 4th Floor, Manek
 Smruti Commercial Premises Co-op Society Limited, Nehru Road,
 Vile Parle (East) Mumbai 400 057, SEND GREETINGS.



True Copy

on

original
 (Mahesh Kumar)

True Copy

Signature
 D. S. Sanghvi



WHEREAS, I intend to file various cases including suits and summary suits in the Bombay City Civil Court (Main Branch), Bombay City Civil Court (Dadoshi Branch) and Hon'ble High Court and/or any Court of Law in India including Hon'ble Supreme Court against various creditors from whom I have to recover moneys.

WHEREAS, I am permanently residing at Chennai, and I am unable to devote my time for the litigation, attend the Hon'ble Court and instruct my Advocate and/or Solicitors from time to time.

WHEREAS, therefore, I am desirous of appointing some fit and proper person to be my Attorney and to look after all my affairs in respect of the various cases.

AND WHEREAS, I have requested one Mr. Mahesh Karat who is my employee in Mumbai Branch to get for me and manage and look after all my affairs in respect of various cases which I intend to file to which said Mr. Mahesh Karat, has consented to do.

NOW KNOW YE ALL AND THESE PRESENT WITNESSETH that I, V. Krishnamurthy, do hereby nominate, constitute and appoint the said Mr. Mahesh Karat, aged about 54 years, Indian Inhabitant of Mumbai, having office address at 401, 4th Floor, Manek Smarati Commercial Premises Co-op Society Limited, Nehru Road, Vile Parle (East), Mumbai 400 037, to be my true and lawful Attorney to do all acts and things in respect of the said Suit and Summary Suits, and for the purpose aforesaid, I hereby confer upon the said Attorney, the following powers and authorities :



m *vyd*



1. To file and declare Affidavits, Plaint, Summons for Judgment.
2. To appoint Solicitor/Advocate or Advocates in the respect of protecting or safeguarding my rights in respect of the said Suit and Summary Suits.
3. To give oral and documentary evidence on my behalf in respect of the said Suits and Summary Suits.
4. To sign and/or affirm replies, rejoinder and/or sur-rejoinder.
5. To sign Vakalatnamas and to file the same in the Court of Law.
6. To produce documents, papers, deeds and other relevant papers in respect of the said Suits and Summary Suits.
7. To appear in Court where the matter is filed.
8. To accept service of Writ of Summons, Notices, Registers, Letters, or Service of any proceedings or letters from Court in respect of the said Suits and Summary Suits.
9. I hereby agree at all times to ratify and confirm whatsoever the Attorney or any such substitute or substitutes shall lawfully do or cause to be done in respect of the said Suits and Summary Suits.
10. And I do hereby declare that all the powers and Authorities and discretion hereby conferred upon the Attorney shall be available for exercise by him, both during my absence as also at the same time and place along with the Attorney. The said Power of Attorney holder shall not transfer the powers which are granted under this Power of Attorney to any person or persons without my written consent and permission.
11. IN GENERAL to do all acts, things, matters, deeds, which may be necessary, preserving, protecting and defending my rights in respect of the said Suits and Summary Suits, as fully and effectually in all respects as I myself could do if personally present.



[Handwritten signature]

IN WITNESS WHEREOF, I, V. Krishnamurthy
have hereunto set my hand to this writing on this 13th day
of April 2018.

SIGNED, SEALED AND DELIVERED)

by the within named :

V. Krishnamurthy

in the presence of

Before me,



Countersignature of the Atty

Mahesh Kamath

(i.e. Mr. Mahesh Kamath)



Identified by me:

Dr. Anand S. Jain
A/401, Gokul Building,
Goregaon, Malad (West),
Mumbai 400 064



Doc. No. 477
13/4/2018

BEFORE ME

Sanghvi
DR. ANAND S. JAIN
NOTARY PUBLIC
SANGHVI NOTARY
REGD. NO. 12408

4. Accordingly, Mr. Harshad Sathe, Advocate is appointed as Sole Arbitrator to decide old disputes between the parties including claims and counter claims as mentioned in the Consent Minutes of Order. Mr. Sathe to file his disclosures under Section 11 (8) and 12 (1) of the Arbitration and Conciliation Act, 1996 directly to the Advocate for the parties.

5. It is clarified by Mr. Agrawal and Mr. Gehani that the arbitrator to consider the admissibility and relevance of the newly introduced documents by the parties need not call for evidence to be recorded to prove the documents and they shall accept decision of the arbitrator on the admissibility and relevance of the documents without having to prove them.

6. The earlier arbitrator whose award has been quashed and set aside shall, within three weeks of receiving communication from either petitioner or respondent or Mr. Sathe, hand over all pleadings and documents filed before him. Mr. Agrawal states that Mr. Sanap will inform the earlier arbitrator today itself to supply all documents and pleadings so that the newly appointed arbitrator will be able to proceed expeditiously in hearing the matter.

7. Fees and administration expenses alongwith venue charges, if any of the arbitrator, shall be shared equally between petitioner and respondent and same shall be subject to cost in the arbitral proceedings. It

is clarified that the arbitration proceedings are between petitioner and respondent nos. 2 and 3.

8. Petition accordingly stands disposed.

9. All to act on authenticated copy of this order.

(K.R. SHRIRAM, J.)