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

ARBITRATION APPEAL NO.555 OF 2006  
IN  
ARBITRATION PETITION NO.438 OF 2005

|                                                                          |                |
|--------------------------------------------------------------------------|----------------|
| Snehadeep Structures Pvt. Ltd.                                           | ...Appellant   |
| V/s.                                                                     |                |
| The Maharashtra Small Scale Industries<br>Development Corporation & Ors. | ...Respondents |

Mr.Vineet B. Naik, Senior Counsel with Mr.Sukand Kulkarni and  
Mr.Jaydeep Deo for the Appellant.  
Mr.Zubin Morris with Mr.Anuj Jaiswal and Mr.Nirav Shah i/b M/s.Little  
& Co. for the Respondent.

**CORAM : R.D. DHANUKA &**  
**V.G. BISHT, JJ.**  
**DATE : 19TH MARCH, 2021.**

**P.C. :-**

1. By consent of parties, the following order is passed :-
  - a). The impugned order dated 24<sup>th</sup> April, 2006 passed by the learned single Judge is set aside. The impugned interim award dated 16<sup>th</sup> June, 2005 and the final award dated 9<sup>th</sup> August, 2005 passed by the learned arbitrator are set aside.
  - b). The arbitral proceedings are restored before the learned arbitrator. By consent of parties, Shri Justice Arvind Sawant, a former Chief Justice of Kerala High Court is appointed as the sole arbitrator.

Learned arbitrator shall decide the matter afresh without being influenced by the observations made and the conclusion drawn in the impugned interim award as well as in the final award and the order passed by the learned single Judge dated 24<sup>th</sup> April, 2006.

c). It is made clear that this Court has not gone into the merits of the matter. All the contentions of both the parties are kept open.

d). Learned counsel of the parties jointly agree that their respective clients do not propose to lead any oral evidence. They are at liberty to file written arguments before the learned arbitrator.

e). Learned arbitrator shall make an endeavour to dispose of the proceedings within six months from the date of the first meeting. None of the party shall ask for unnecessary adjournment. The fees and expenses of the learned arbitrator shall be borne by the parties equally at the first instance.

2. Appeal No.555 of 2006 is disposed of in aforesaid terms. There shall be no order as to costs.

3. Learned counsel for the appellant to convey this order to the learned arbitrator.

4. Parties as well as the learned arbitrator to act on the authenticated copy of this order duly authenticated by the Associate of this Court.

**(V.G. BISHT, J.)**

**(R.D. DHANUKA, J.)**

Vasant  
A. Idhol

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by Vasant A. Idhol  
Date: 2021.03.20  
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