

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
[COMMERCIAL DIVISION]

COMMERCIAL ARBITRATION APPLICATION NO.114 OF 2021

Bharat Udyog Ltd. and Anr.

.. Applicants

Vs.

Government of Maharashtra,

Through Executive Engineer, PWD, Alibaug and Anr.

.. Respondents

Mr. M.M. Vashi, Sr. Advocate, with Ms. Aparna Deokar, i/by M.P. Vashi & Associates, for the Applicants.

Mr. Himanshu Takke, AGP for the Respondents–State.

CORAM : A. K. MENON, J.

DATED : 11TH AUGUST, 2021.

P.C. :

1. This is a petition seeking substitution of the Sole Arbitrator appointed by this court on 2nd February 2018. Mr. Vashi, learned Senior Counsel for the applicants states that the mandate of the arbitrator appointed stands terminated since no progress has been made in the arbitration proceedings.

2. Mr. Vashi further states that the arbitrator had convened a meeting on 7th February 2018 and issued directions. Thereafter it seems that there has been no progress in the matter. Mr. Vashi points out that several e-mails have been addressed to the learned arbitrator, as seen from Exhibits C-1 to C-10 to the petition, but there has been no response. Eventually, it seem that by letter dated 31st December 2020, the Advocates for the applicants have addressed a letter to the learned arbitrator requesting him to fix a meeting, to which I am

informed that there is no response. It therefore appears that the arbitrator is disinclined to continue with the reference. Therefore, the parties have, by consent, today submitted to the orders of the court.

3. In view thereof, I pass the following order :-

- (i) Justice S.J. Vazifdar, Former Chief Justice, High Court of Punjab and Haryana, is appointed as Sole Arbitrator to adjudicate upon claims and counter claims, if any,
- (ii) The learned Arbitrator is requested to file his disclosure statement under Section 11(8) and Section 12(1) of the Arbitration and Conciliation Act, 1996, within two weeks from the date of receipt of a copy of this order with the Prothonotary and Senior Master and provide copies to the parties.
- (iii) Parties to appear before the Sole Arbitrator on a date to be fixed by him.
- (iv) Fees payable to the Sole Arbitrator will be in accordance with the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.
- (v) Arbitration Application is disposed in the above terms.
- (vi) No costs.

(A. K. MENON, J.)