

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 ARBITRATION APPLICATION NO.24 OF 2022

**M/S BORSE BROTHERS ENGINEER AND CONTRACTOR PVT. LTD
THR ITS DIRECTOR JITENDRA BHATU SONAWANE**

VERSUS

**THE DHULE MUNICIPAL CORPORATION THR THE MUNICIPAL
COMMISSIONER DHULE**

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Advocate for Applicant : Mr. Amol K. Gawali
Advocate for Respondent : Mr. Amol S. Sawant

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CORAM : SANDEEP V. MARNE, J.

DATE : 15-12-2022

PER COURT :

. By order of this Court dated 19.07.2021, Mr. Ramesh W. Nikum was appointed as a sole Arbitrator to adjudicate pending disputes between the parties.

2. By letter dated 04.10.2022, Mr. Ramesh W. Nikum has expressed inability to act as Arbitrator.

3. Today, both parties jointly propose the name of Hon'ble Mr. Justice Sangitrao S. Patil, former Judge of this Court to act as an Arbitrator to decide the disputes arising between them.

4. Accordingly, following order is passed :-

a) **Appointment of Arbitrator :-**

By consent, Hon'ble Mr. Justice Sangitrao S. Patil, former Judge of this Court, is hereby nominated to act as a Sole Arbitrator to decide the disputes and differences between the parties under Partnership Deed.

(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 Applicant within one week from the date this order is uploaded.

(ii) In addition, within one week of this order being uploaded, the Registry will forward an ordinary copy of this order to the learned Sole Arbitrator at the following postal and email addresses :-

Arbitrator : Hon'ble Mr. Justice Sangitrao S. Patil,
former Judge of this Court

Address : Shahu Nagar, Near R.K. Jewellers,
Bhadgaon Road, Chalisgaon
Dist. Jalgaon, Pin - 424101

Phone : 9423706879

Email : sspatil56@gmail.com

(c) Disclosure :-

The learned Sole Arbitrator is requested to forward the necessary statement of disclosure under Section 11(8) read with Section 12(1) of the Act of 1996 to the Registrar of this Court, referencing this arbitration application, as soon as possible, and in any case sufficiently before entering upon the reference to arbitration. That statement will be retained by the Registrar on the file of this application. Copies will be given to both sides.

(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 within one week of this order being uploaded. The information is to include a valid and functional email address.

(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 Act of 1996 before the learned Sole Arbitrator.

(ii) Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.

(h) Fees :-

The arbitral tribunal's fees shall be as per the 4th Schedule of the Arbitration and Conciliation Act, 1996.

(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 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 Dhule.

5. The arbitration application is disposed of in these terms.

No costs.

(SANDEEP V. MARNE, J.)