

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION NO. 44 OF 2020

M/s. Agarwal Furniture, through
its partner Mrs. Chhavi Balkrishan Agarwal ...Petitioner
Vs.
Union of India and Ors. ...Respondents

Mr. Mihir Suhas Raje, for the Petitioner.
Ms. Vaishali Choudhari, for the Respondents.

**CORAM : MANISH PITALE, J.
DATE : 6 DECEMBER 2022**

P.C.

. By this petition, filed under Section 15 of the Arbitration and Conciliation Act, 1996, a prayer is made for appointment of substitute arbitrator in light of fact that the mandate of the earlier arbitrator expired and in the absence of enlargement of time, the learned arbitrator had to resign.

2. The learned counsel for the rival parties, on instructions, submit that Mr. Raghunath Prasad Tripathi, Former ADG of Military Engineering Service can be appointed as a sole arbitrator in order to continue the proceedings from the stage that they

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were left by the earlier arbitrator.

3. The learned counsel for the petitioner has invited attention of this Court to a letter dated 31/10/2018, addressed by the respondent No.2, interalia, stating that the documents pertaining to the arbitration proceedings were forwarded to the said respondent.

4. In view of the above, Mr. Raghunath Tripathi, retired ADG, Military Engineering Service, is appointed as a sole arbitrator.

5. The details of the sole arbitrator are as follows:

Mr. Raghunath Prasad Tripathi
Former ADG (MES),
E8/31, Basant Kunj, Area Colony,
Bhopal (Madhya Pradesh) – 462 039.
Mobile No.9425138470
Email : raghunath.tripathi@gmail.com

6. The respondent to inform the learned arbitrator at the earliest about the order passed today.

7. The learned arbitrator shall communicate his consent and disclosure statement as per Section 11(8) and 12(1) of the

aforesaid Act, within four weeks from today to the Registrar (Judicial) of this Court. The fees of the learned arbitrator shall be as per schedule IV to the said Act.

8. The respondent No.2 is directed to hand over the papers pertaining to the arbitration proceedings to the aforementioned arbitrator appointed by this Court.

9. The learned arbitrator so appointed shall continue the arbitration proceedings from the stage where they were left by the earlier arbitrator.

10. All contentions of the parties are kept open.

11. The petition stands disposed of, in aforesaid terms.

12. Mr. Chandrasen, AGE, GE(S) Pune was present today in the Court to instruct the learned counsel appearing for the respondents.

MANISH PITALE, J.