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

**INTERIM APPLICATION NO.2018 OF 2022
IN
ARBITRATION PETITION (L) NO.92564 OF 2020**

Jayesh Pramodbhai Thakkar

**...Applicant/
Petitioner**

Versus

Sahinder Pritamsingh Khanuja & Ors.

...Respondents

Mr. Ankit Lohia i/b. Mr. Preet Chheda for the Applicant / Petitioner.
Uzair Z. Kazi i/b. YMK Legal for the Respondents.

CORAM : R.I. CHAGLA J

DATE : 30TH JUNE, 2022

ORDER :

1. Heard the learned Counsel for parties.
2. This Interim Application is taken out in the disposed of Arbitration Petition (L) No.92564 of 2020. The Applicant has sought recall of order dated 23rd February, 2021 appointing the Sole Arbitrator and for appointment of an Arbitrator in place of and in substitution of the Sole Arbitrator appointed vide order dated 23rd

February, 2021. It is stated by the Applicant / Original Petitioner that the Arbitrator who was appointed by order dated 23rd February, 2021 was appointed on the premise that the Arbitrator was a retired Judge. It so transpires that the Arbitrator appointed by order dated 23rd February, 2021 was infact a sitting Judge i.e. Principal District and Sessions Judge on contract basis.

3. In view thereof, the parties have agreed for the Arbitrator appointed vide order dated 23rd February, 2021 be substituted with a Retired Judge of this Court and the name agreed upon is Mr. R.G. Ketkar (Retired Judge of this Court). Hence the following order is passed by recalling the order dated 23rd February, 2021.

(i) Mr. R.G. Ketkar, (Retired High Court Judge) is appointed as a Sole Arbitrator to decide the disputes between the Petitioner and the Respondent.

(ii) The venue of arbitration shall be left open to the Arbitrator to determine. However, from the clause of Development Agreement executed between the parties, it is noted that the seat of the Arbitration is Kalyan. It would be also open for the learned

Sole Arbitrator appointed by this Court to determine as to whether the proceedings should be in person or through Video Conferencing.

(iii) Office to inform the Sole Arbitrator regarding his appointment.

(iv) The Sole Arbitrator is requested to file his Disclosure Affidavit of Arbitration under Section 11(8) and Section 12(1) of the Arbitration and Conciliation Act, 1996 within a period of three weeks from the date of receipt of the notice issued by the Registrar Judicial-I and provide copies to the parties.

(v) Parties to appear before the Sole Arbitrator on the date fixed.

(vi) Fees of the Sole Arbitrator will be payable in accordance with the Bombay High Court (O.S.) Rules, 2018.

(vii) The Interim Application is disposed of accordingly.

[R.I. CHAGLA J.]