

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

COMMERCIAL ARBITRATION PETITION NO. 97 OF 2021

Sharada Constructions ... Applicant

Versus

Roadway Solutions India Infra Limited ... Respondent

Mr. Ankur Pahade a/w Anshuman R. Asare for the Applicant.
Ms. Konika Mitra for the Respondent.

CORAM : R.I. CHAGLA, J.

DATED : 28th JANUARY, 2022.

(V.C.)

ORDER :

1 Heard the learned Counsel for the parties. By this Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, the Petitioner is seeking appointment of presiding Arbitrator. An objection had been raised by the learned Counsel appearing for the Respondent that the Petitioner's nominee arbitrator Mr. C.P. Joshi, could not act as nominee arbitrator in view of his having worked with the Respondent Company and thus, his nomination is in violation of the clauses of the 5th and 7th schedule of the Arbitration and Conciliation Act, 1996.

2 The learned Counsel appearing for the Petitioner states that in view of the objection raised on behalf of the Respondent, the Petitioner has decided to appoint another nominee arbitrator namely Prakash K. Koranne, retired P.W.D. Officer who possesses LL.B. degree. In view thereof, the Petitioner is at liberty to appoint Mr. Prakash K. Koranne as the nominee Arbitrator of the Petitioner.

3 The parties have agreed that insofar as appointment of presiding arbitrator is concerned, they have agreed to the name of Mr. Justice Mohit Shah (retired Chief Justice of this Court) to be the presiding arbitrator to adjudicate the dispute between the Petitioner and the Respondent.

4 In view thereof, the presiding Arbitrator Mr. Justice Mohit Shah (retired Chief Justice of this Court) is appointed as the presiding Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996 to adjudicate the disputes between the Petitioner and the Respondent.

5 The Petition is accordingly disposed of in the above terms.

(R.I. CHAGLA, J.)

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