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Date: 2022.12.23
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION NO. 211 OF 2022

M/s. Jha Construction,
Through its Proprietor,
Dhirendra Kumar Jha

...Petitioner

Versus

The Divisional Manager (C), Central Railway

...Respondent

- Mr. Hitesh P. Shah, for Petitioner.
- Mr. Aniket Mokashi i/by Mr. Amit Kalkhanis, for Respondent.

CORAM : MANISH PITALE, J

DATE : 22ND DECEMBER, 2022.

P. C. :

1. By this petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, the petitioner has approached this Court for appointment of an Arbitrator to resolve disputes between the parties.

2. The petitioner was engaged by the Respondent for parking cum access control contract. As per the contract executed between the parties, in case of a dispute, it was to be resolved as per an Arbitration Clause in the contract. It is agreed between the parties that the claims made by the Petitioner are for an amount less than Rs. 1 Crore and that therefore, as per the Arbitration Clause a sole Arbitrator would have to be appointed. But, the Arbitration Clause is hit by Section 12(5) of the aforesaid Act, for the reason that the sole

Arbitrator is specified to be a gazetted Officer of the Railways nominated by the General Manager. This position is conceded by the learned Counsel appearing for the Respondent and therefore, a joint request is made for appointment of a neutral Arbitrator for resolving the disputes between the parties.

3. The learned Counsel for the parties submit that Mr. D. T. Mandviwala, learned Advocate available at Mumbai, may be appointed as the sole Arbitrator.

4. Accordingly, Mr. D. T. Mandviwala, is appointed as the sole Arbitrator for resolving the disputes between the parties. The details of the learned Arbitrator are as follows.

Mr. D. T. Mandviwala,
121, Commerce House, 140 Nagindas Master Road,
Fort, Mumbai - 23. Tel. 022-22702021.

5. The learned Counsel for the parties to immediately communicate to the learned Arbitrator about the order passed today.

6. The learned Arbitrator is requested to communicate his consent and Disclosure Statement as per Section 11(8) read with Section 12(1) of the said Act, to the Registrar (Judicial) of this Court, within four weeks from today.

7. The Fees of the learned Arbitrator shall be as per Schedule

IV to the said Act.

8. All questions are kept open to be determined by the learned Arbitrator.

9. The petition stands disposed of.

(MANISH PITALE, J.)