

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 91 OF 2022**

Silver Key Developers Private Limited	...	Petitioner
vs.		
The State of Maharashtra, Through the Principal Secretary, Public Works Department and others	...	Respondents

Mr. Anish Khandekar for petitioner.

Mr. Yogesh Dabke, AGP for Respondents-State.

**CORAM : MANISH PITALE, J
DATE : 25th NOVEMBER, 2022**

P.C. :

1. The present petition is filed by the petitioner under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of arbitral tribunal in terms of arbitration clause contained in the general conditions of contract. This is in the backdrop of the contract awarded to the petitioner by the respondents for development of building for Public Works Department. Disputes appear to have arisen between the parties. The petitioner had invoked the arbitration clause by communication dated 24th August, 2018, proposing its nominee on the arbitral tribunal, as the arbitration clause provided for a panel of 3 arbitrators, one each proposed by the parties and third arbitrator being appointed by the two arbitrators.

2. Upon notice being issued, the respondents have appeared through learned AGP Mr. Yogesh Dabke.

3. Today, on instructions, the learned AGP submitted that Mr. S. B. Tamsekar (retired Secretary of Public Works Department) may be appointed as nominee of the respondents on the arbitral tribunal.

4. Perusal of the arbitration clause indeed shows that the arbitral proceedings are to take place before the arbitral tribunal consisting of three arbitrators to be appointed in the aforementioned manner.

5. Accordingly, Shri Jayant T. Nashikkar, former Secretary of PWD GOM & Jt. MD MSRDC, shall be appointed as the nominee of the petitioner. The contact details are as follows:-

Shri Jayant T. Nashikkar

Flat No.1803, Clare Mount-A,
Lodha Luxuria, Majiwada,
Thane (West), Pin 400 601.

6. Shri S. B. Tamsekar, retired Secretary of Public Works Department, shall be appointed as the nominee of the respondent. The contact details are as follows:-

Shri S. B. Tamsekar

701, Vishwakarma Apartment,
54, Rambaug Colony, Pound Road,
Kothrud, Pune-411038.
Email: tamsekar@gmail.com
Mob.: 79777 04075.

7. Parties undertake to inform the learned arbitrators about this order passed today, at the earliest.

8. Learned arbitrators so appointed as nominees of the rival parties on the arbitral tribunal to proceed further in terms of arbitration clause and

submit their consents and disclosure statements in terms of Sections 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 arbitrators shall be in terms of Fourth Schedule of the said Act.

9. All questions are left open to be decided by the learned arbitrator.

10. Petition stands disposed of in above terms.

(MANISH PITALE, J)

Priya Kambli