

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO.63 OF 2020**

Jugrai K.Sheth

..Applicant

Vs.

Pavan Kumar B. Chandan, Sole
Proprietor of M/s. Buildwell Developers

..Respondent

Ms. Sapna Krishnappa for Applicant.

Mr. Asif Shaikh for Respondent.

**CORAM : G.S. KULKARNI, J.
DATE : JULY 5, 2022.**

PC.:

1. This is a petition filed under Section 14 read with Section 15 of the Arbitration and Conciliation Act, 1996 (for short '**the Act**') whereby the applicant has prayed for appointment of a substitute arbitrator as the arbitrator who is earlier appointed has resigned.
2. On perusal of the record, it is clear that the learned arbitrator by an e-mail dated 13 November 2019 addressed to the parties has recorded that for personal reasons she cannot continue to be an arbitrator. In such view of the matter, learned Counsel for the respondent would also not dispute that the learned arbitrator having resigned, a substitute arbitrator needs to be appointed.
3. In the aforesaid circumstances, the application is required to be allowed. Hence, the following order:-

ORDER

- (i) Ms. Ayesha Damania, Advocate of this Court is appointed as a substitute Arbitrator to adjudicate the disputes and differences between the parties as arisen under the Agreement of Sale dated 7 November 2012;
- (ii) The learned substitute arbitrator, seven days before entering the arbitration reference, shall forward a statement of disclosure as per the requirement of Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996, to the Registrar, to be placed on record of this

application with a copy to be forwarded to both the parties.

(iii) The parties are directed to submit before the substitute arbitrator the record and proceedings as filed before the erstwhile arbitrator within a period of two weeks from today.

(iv) The Arbitral proceedings shall commence from the stage the proceedings had reached before the erstwhile arbitral tribunal.

(v) As the proceedings are pending for a substantial period, the learned substitute arbitrator shall make an endeavour to dispose of the arbitral proceedings as early as possible and preferably within a period of 12 months from the date she enters reference.

(vi) The parties are directed to co-operate in the early disposal of the proceedings and any unwarranted adjournments shall be dealt with in accordance with law.

(vii) At the first instance, the parties shall appear before the prospective arbitrator within 15 days from today on a date which may be mutually fixed by the learned arbitrator;

(viii) All contentions of the parties on merits of the disputes are expressly kept open;

(ix) The application is disposed of in the above terms. No costs.

(x) Office to forward a copy of this order to the learned Arbitrator at the following address:-

“4th floor, Oricon House,
K. Dubhash Marg,
Kalaghoda, Mumbai-400023.
Mob.No. 9322222191
Email: ayeshadamanian@gmail.com

[G.S. KULKARNI, J.]