

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**ARBITRATION PETITION NO. 227 OF 2022
WITH
ARBITRATION PETITION NO. 231 OF 2022**

Tata Motors Finance Ltd. .. Petitioner
Vs.
Gayatri Projects Ltd. & Anr. .. Respondents

Ms. Kunjita Shah a/w. Akshay Sawant i/b. I.V. Merchant & Co. for the
petitioner.

**CORAM : G.S. KULKARNI, J.
DATE : APRIL 28, 2022.**

P.C.:

1. Both these petitions are filed under sections 14 and 15 of the Arbitration and Conciliation Act, 1996 whereby the petitioner had unilaterally appointed an arbitrator. The respondents have appeared before the said arbitral tribunal and objected to the appointment of the arbitral tribunal on the ground that such an appointment was unilateral and contrary to the settled position of law that a party to the arbitration agreement cannot unilaterally appoint an arbitral tribunal. Accordingly, the learned sole arbitrator has rescued himself from the arbitral proceedings.
2. In such event, proper procedure for the petitioner will be now to invoke the arbitration agreement and follow the procedural requirements for appointment of an arbitral tribunal. Keeping such liberty to the petitioner open, both the petitions are disposed of.
3. All the contentions of the parties are expressly kept open.

[G.S. KULKARNI, J.]