

Vidya Amin

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

**ARBITRATION PETITION NO. 28 OF 2022**

Sandip Shinde

..Petitioner

Vs.

Goldmines Telefilms Pvt. Ltd.

..Respondent

Mr. Prashant Pandey i/b. W3 Legal LLP for Petitioner.

Mr. Aurup Dasgupta with Ms. Jinal Vani i/b. M/s. Jhangiani, Narula & Associates for Respondent.

**CORAM : G.S. KULKARNI, J.**

**DATE : FEBRUARY 11, 2022.**

**P.C.:**

1. Perusal of the record indicates that in unfortunate circumstances and being impossible to proceed with the arbitration, learned arbitrator by his communication dated 25 October, 2021 addressed to Mr. Pandey, learned advocate for the petitioner, resigned from the arbitral proceedings. It may not be appropriate for this Court to set out the facts leading to the learned arbitrator resigning and terminating his mandate.

2. Be that as it may, Mr. Dasgupta, learned counsel for the respondent has taken a fair stand and has submitted that his clients would not have any objection for a substitute arbitrator to be appointed. He also submits that his client would cooperate in the early disposal of the arbitral proceedings.

2. Mr. Pandey, learned counsel for the petitioner would also assure that the petitioner would not create any unpleasant situation before the substitute arbitration, who would be appointed and the arbitral proceedings would be strictly conducted in the manner known to law and with decorum and dignity.

3. Accepting such assurances as made by Mr. Pandey as well as Mr. Dasgupta that their clients would cooperate with the early disposal of the arbitral proceedings, the Court proceeds to appoint a substitute arbitrator in the aforesaid circumstances. Hence the following order:

#### **ORDER**

(i) Mr. Ranjeev Carvalho, Advocate of this Court is appointed as a substitute arbitrator to adjudicate the disputes between the parties which have arisen under the Deed of Assignment dated 18 May, 2011.

(ii) The learned substitute arbitrator, 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 Prothonotary & Senior Master of this Court, to be placed on record of this application with a copy to be forwarded to both the parties;

(iii) At the first instance, the parties shall appear before the prospective arbitrator within 10 days from today on a date which

may be mutually fixed by the learned sole arbitrator;

(iv) The learned substitute arbitrator shall proceed with the arbitration from the stage the proceedings have arrived before the erstwhile arbitrator.

(v) The learned substitute arbitrator shall make an endeavour to adjudicate the disputes as expeditiously as possible and as the arbitral proceedings are quite old, it is appropriate that the proceedings be concluded within a period of eight months.

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

(vii) Needless to observe that the allegations which are made in the memo of the petition against the respondents are not admitted by the respondents, as Mr. Dasgupta has proceeded on denials, also the Court has not examined any such contention.

(vii) The petition is disposed of in the above terms. No costs.

(viii) Office to forward a copy of this order to the learned Arbitrator on the following address:

Mr. Ranjeev Carvalho, Advocate  
C/o. Chambers of Dr. Birendra Saraf,  
302, Oval House, Fort, Mumbai.  
Mob. No. 9004104918  
Email ID: ranjeev.carvalho@gmail.com

[G.S. KULKARNI, J.]

corrected as per speaking to minutes order dated 17.02.2022.