

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO. 584 OF 2022

M/s. Shree Datta Krupa Associates __ Vs. __ M/s. PMA Construction Co.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N.S.Muthiyan, Advocate for applicant
Mr.R.P.Masurkar, Advocate for respondent.

CORAM : AVINASH G. GHAROTE, J.
DATE : 21/10/2022

1] Heard Mr. N.S.Muthiyan, learned counsel for the applicant and Mr. Masurkar learned counsel for Respondent.

2] There is no dispute regarding sub-contract agreement dated 5.3.2021 (pg.11) and so also the existence of the arbitration Clause 12 therein. It is also not in dispute that controversies have arisen between the parties regarding implementation of the agreement for which dispute exists and the arbitration clause was invoked by the notice dated 5.7.2022 (pg.28)

3] Both the learned counsel for the parties have categorically made a statement that the resolving of the dispute by mutual consultation is not possible, as a result of which there is requirement to appoint an arbitrator in view of the fact that the dispute exists. I therefore appoint Justice V.M.Deshpande, Retired Judge of this

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Court to be the arbitrator to decide the dispute between the parties.

4] The parties shall report to the arbitrator on 8.11.2022. The applicant shall pay the necessary processing charges before the said date.

5] Application is accordingly allowed. No costs.

JUDGE

Rvjalit