

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ARBITRATION APPLICATION NO.23 OF 2022

**SHRI. RAMDEOBABA CHARITABLE SOCIETY AKOLA THROUGH ITS
PRESIDENT JATIN LAXMINARAYAN RATHI
VERSUS
MUNICIPAL COUNCIL, SHRIRAMPUR THROUGH ITS CHIEF OFFICER
AND ANOTHER**

...

Advocate for Applicant : Mr. Nikhil Santosh Jaju
Advocate for Respondent No.1 : Mr. V.S. Bedre
Advocate for Respondent No.2 : Mr. A.B. Kadethankar

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 07th AUGUST, 2023

PER COURT :

1. By this application, applicant seeks appointment of arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996, to resolve the dispute between applicant and respondent No.1.

2. Respondent No.1 published tender for Survey, Detail Project Report Preparation and Project Management Consultancy services for Pradhan Mantri Awas Yojana (PMAY) for Shrirampur City. Applicant submitted bid for the said work, which was accepted by respondent No.1 and the tender was allotted to the applicant. Pursuant to the allotment of tender, written agreement was executed between applicant and respondent No.1 on 21/04/2017 and the work order was issued to the applicant on 24/04/2017.

Applicant submitted Detailed Project Report (DPR) and respondent No.1 forwarded the same to the State Level Nodal Agency MHADA, Mumbai. After technical scrutiny, MHADA forwarded the said proposal to Housing Department of State Government of Maharashtra.

3. The DPR of applicant is approved by the State Level Appraisal Committee (SLAC) and thereafter, by the State Level Monitoring Committee (SLAMC). Thereafter the proposal is forwarded to the Ministry of Housing and Urban Affairs, New Delhi, which, after its satisfaction, has forwarded the same to Central Sanctioning and Monitoring Committee (CSMC) for final approval. The CSMC approved the proposal of petitioner. After approval of proposal by CSMC, as per the agreement applicant submitted following bills:-

Sr. No.	Proposal	Houses	Date	Amount
1	1 st Proposal	735 Houses	9/2/18	Rs.56,23,809/-
2	2 nd Proposal	600 Houses	5/11/18	Rs.48,20,413/-
3	3 rd Proposal	275 Houses	5/3/19	Rs.25,05,387/-
4	4 th Proposal	267 Houses	13/4/22	Rs.24,58,109/-

4. Out of the above bills, amount of Rs.1,25,81,809/- was received by the applicant and as of today amount of Rs.88,34,526/- is outstanding. According to the applicant, applicant thereafter tried to persuade respondent No.1 for payment of remaining bills,

without any success. Applicant, therefore, issued notice on 08/07/2022, thereby appealing to respondent No.1 for referring the dispute to arbitrator. As respondent No.1 failed to appoint arbitrator, applicant has approached this Court by filing present application.

5. Having heard learned advocate for applicant, learned advocate for respondent No.1 and learned advocate for respondent No.2 and considering the aforestated facts, this Court is of the view that the application deserves to be allowed.

6. In the result, application is allowed in terms of prayer clause 'B'. Executive Engineer of respondent No.2 Authority is appointed as arbitrator, as per clause (12) of the agreement dated 21/04/2017, to resolve dispute between the parties. Parties to appear before arbitrator on the date given by the arbitrator.

(NITIN B. SURYAWANSHI, J.)