



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

**REVIEW APPLICATION (ST) NO.31478 OF 2023
IN ARBITRATION APPLICATION NO.10 OF 2023
WITH
CIVIL APPLICATION NO. 12189 OF 2023
IN RAST/31478/2023**

**SHRI. SHANKAR SAHKARI SAKHAR KARKHANA LTD. AND ANOTHER
VERSUS
AMBIKA BIO ENERGY PVT LTD.**

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Mr. Shyam C. Arora, Advocate for Applicant
Mr. Anand Dale, Advocate h/f Mr. Swapnil S. Rathi, Advocate for
Respondent

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 22nd DECEMBER, 2023

PER COURT :

1. Applicant is seeking review of the order dated 10/08/2023 by which, Advocate Mr. R. Y. Shaikh (Panel Arbitrator) from Latur is appointed as Arbitrator, under Section 11 of the Arbitration and Conciliation Act, 1966, for settlement of dispute between applicants and respondent, as per agreement dated 25/07/2021, in the arbitration application filed by respondent.

2. Learned advocate for applicants submits that, in fact, arbitration application was posted on 27/09/2023 but respondent circulated it on earlier date. Applicants, therefore, did not get an opportunity to suggest the name of Arbitrator and therefore, order appointing Arbitrator needs to be reviewed. In support of his

submission he relied on order dated 07/12/2022, passed by learned Single Judge of the Delhi High Court in Arb. P. No.305/2020 (*Always Remember Properties Pvt. Ltd. Vs. Reliance Home Finance Ltd. and Another*).

3. As Panel Arbitrator is appointed by the order under review, no prejudice is caused to applicants by the said appointment. Applicants for the reasons best known to them, did not cause their appearance. Even if it is accepted that the matter was circulated on earlier date, still the matter appeared on the board and applicants could have appeared on that date.

4. No ground for review is made out by applicants. Review application is, therefore, dismissed.

5. In view of dismissal of review application, civil application also stands disposed of.

(NITIN B. SURYAWANSHI, J.)