

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

**CIVIL APPLICATION NO. 1383 OF 2022
IN
ARBITRATION APPLICATION NO. 04 OF 2021**

Shivaji Uttamrao Chaudhary and
another .. Applicants

Versus

Manohar Shashikant Naik and others .. Respondents

Shri Umesh Gite, Advocate h/f Shri Mahesh S. Deshmukh,
Advocate for the Applicant.

Shri P. B. Patil, Advocate for the Respondent Nos. 1 to 3.

**CORAM : SHARMILA U. DESHMUKH, J.
DATE : 16TH JANUARY, 2023.**

FINAL ORDER :

. This civil application has been filed by the applicant/original applicant in Arbitration Application No. 04 of 2021.

2. By order dated 30.07.2021 Shri S. P. Kulkarni (Retired District Judge) was appointed as a sole arbitrator. The erstwhile arbitrator has shown inability to conduct the arbitration proceedings and accordingly forwarded a communication to this Court with a copy endorsed to the applicant herein.

3. Under the provisions of Section 15(2) of the Arbitration and Conciliation Act, 1996 (for short "Act of 1996") in the event the

arbitrator appointed U/Sec. 11 of the Act of 1996 withdraws from, the office, this Court has power to substitute a new arbitrator.

4. With the consent of the parties following order is passed.

5. Hon'ble Shri Justice I. G. Shah (Retired) is appointed as substitute arbitrator in place of erstwhile arbitrator who has withdrawn from the office. The learned substituted arbitrator shall within a period of 15 days before entering the office forward a statement of disclosure under Section 11(8) read with Section 12(1) of the Arbitration Act to the Registrar (Judicial) of this Court to be placed on record of this application along with copy to be forwarded to both the parties.

6. The arbitration proceedings shall commence from the stage of the proceedings where the proceedings had reached before the erstwhile arbitral tribunal.

7. All contentions of parties on merits of the disputes are specifically kept open. The civil application is accordingly disposed of. The office to forward copy of this order to the Hon'ble Shri Justice I. G. Shah (Retired) on the given address.

[SHARMILA U. DESHMUKH, J.]