

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 29 OF 2022

Gulmohar Builders

...Petitioner

Versus

The Director,
Maharashtra State Text Book Production and
Curriculum Research Corporation & Anr.

...Respondents

Mr. Neel Girish Helekar for the Petitioner.

Mr. Jagdish G. Aradwad (Reddy) for the Respondent No. 1.

Mr. A.R. Patil, Addl. G.P. for the Respondent No. 2.

CORAM : R.I. CHAGLA J

DATE : 26 June 2023

ORDER :

1. By this Arbitration Petition, the Petitioner seeks appointment of substitute arbitrator to adjudicate the disputes with regard to non payment of dues by the Respondent to the Petitioner as per the Agreement dated 12th June 1989.

2. By prior order dated 13th January 2023, this Court had

considered that the erstwhile arbitrator had unfortunately expired. There were three names of Architects proposed by the Respondent No. 1 and Counsel for the Petitioner had sought adjournment to take instructions in the matter.

3. Today the matter has come up. Parties have agreed for appointment of a substitute Arbitrator. Accordingly, following directions are issued. :-

- (i) Mr. Nilesh Suryvanshi, Architect is appointed as a substitute arbitrator to adjudicate the disputes between the parties.
- (ii) The learned substitute arbitrator, fifteen days 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 Registrar (Judicial-I), to be placed on record of this application with a copy to be forwarded to both the parties, if not already made.

(iii) The arbitral proceedings shall commence from the stage the proceedings had reached before the erstwhile arbitral tribunal.

(iv) The fees payable to the arbitral tribunal shall be as prescribed under the Bombay High Court (Fees Payable to Arbitrators) Rules, 2018.

(v) All contentions of the parties are expressly kept open.

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

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

Mr. Nilesh Suryvanshi
M/s. N.S. Arch & Associates,
Aaram Apartment,
First Floor, Erandwane,
Pune – 411 004.
Mob.: 9673 422 444

[R.I. CHAGLA J.]