

Kavita S. J.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

COMMERCIAL ARBITRATION PETITION NO.8 OF 2023

PSP Projects Limited

...Petitioner

Versus

**Pandharpur Municipal Counsel
through his Chief Officer**

...Respondent

Ms. Sheetal Shah a/w Mr. Santosh Bharucha i/b M/s Mehta &
Girdharlal, Advocates for Petitioner.

Mr. Abhijit Kulkarni a/w Ms. Krusha Jaybhay, Mr. Gourav Shahane &
Ms. Sweta Shah, Advocates for Respondent.

CORAM : R.I. CHAGLA, J.

DATE : 7TH OCTOBER, 2023.

ORDER :

1. By this Arbitration Petition, the Petitioner is seeking appointment of Arbitrator to adjudicate the disputes and differences between the parties under Section 11 of the Arbitration Act, 1996 as per terms and conditions of the Arbitration Clause 25 in Tender Document dated 24th August, 2018 read with Work Order dated 2nd January, 2023 along with Letter of Intent dated 29th December, 2022, Agreement dated 1st January, 2018, Work Order dated 2nd January,

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2019. Although, the prayer in the Petition is for appointment of Sole Arbitrator, the parties had agreed to the appointment of a Panel of three Arbitrators as per the Clause 25 (ii) of the Tender Document dated 24th August, 2018. This is in view of the claim being in excess of INR 1 Crore and the Arbitration Agreement providing for appointment of three Arbitrators.

2. By consent of parties, the following order is passed :

(i) Shri Subhash I. Patel, Retired Secretary to Government of Gujarat is appointed as Arbitrator as nominated by the Petitioner.

(ii) Shri S.B. Tamsekar, Retired Secretary, PWD, Government of Maharashtra, Engineering Department is appointed as Arbitrator, as nominated by the Respondent.

(iii) The appointed Arbitrators shall appoint the Presiding Arbitrator as per the Arbitration Agreement in Clause 25 of the said Tender Document.

(iv) The venue of arbitration shall be at Pune.

(v) The office to inform the Arbitrators of their appointment.

(vi) The appointed Sole Arbitrators are requested to file their disclosure statement under Section 11(8) and 12(1) of the Arbitration and Conciliation Act, 1996 within a

period of three weeks from the date of receipt of intimation, with the Registrar (Judicial-I) and provides copies to the parties.

(vii) Parties to appear before the Sole Arbitrators on the date fixed by them.

(viii) Fee applicable to the Sole Arbitrators will be in accordance with the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.

(ix) Arbitration Petition is disposed of in the above terms.

(x) No costs.

[R.I. CHAGLA, J.]