

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

ARBITRATION PETITION NO. 156 OF 2023

Poona Urban Properties Pvt. Ltd. & Anr. ... Petitioners

Versus

State of Maharashtra (through
the Disaster Management Authority) ... Respondent

Mr. Aashit A. Kankariya for the Petitioners.
Ms. Anamika Malhotra, A.G.P. for the Respondent-State.

CORAM : R.I. CHAGLA, J.

DATED : 12th OCTOBER, 2023.

ORDER :

1 By this Arbitration Petition, the Petitioners are seeking appointment of Sole Arbitrator to adjudicate the dispute between the Petitioner and the Respondent which has arisen from the order dated 02.01.2023 and in particular paragraph 8 thereof which had left it open to the Petitioner for the rest of the claim i.e. the differential between the Petitioners' claim and what has been actually accepted by the State Government as payable, to adopt appropriate remedies in the Court of competent jurisdiction. Thereafter, by order dated 23.01.2023 this Court has granted liberty to the Petitioners in the event the Petitioners have any other claim, to file appropriate civil proceedings in a Court of competent

jurisdiction.

2 The learned Counsel for the Petitioners referred to Section 66 of the Disaster Management Act, 2005 which provides that where there is any dispute as to the entitlement to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by, in this case State Government, to an Arbitrator appointed in this behalf for such determination which shall be in accordance with the decision of the appointed Arbitrator. A communication had been addressed to the State Government vide letter dated 06.03.2023 for appointment of Arbitrator within 30 days of receipt of the letter to adjudicate upon the disputed amount. This had not been responded to by the Respondent.

3 The learned Counsel appearing for the Respondent has agreed for appointment of sole Arbitrator and the matter to be referred to arbitration.

4 In that view of the matter, the following order is passed :

(i) Mr. Rohan Nahar, Advocate, whose name appears on the panel of arbitrators of this Court is appointed as an Arbitrator to adjudicate the disputes between the Petitioners and the Respondent as per the Disaster Management Act and as

to the disputed amount mentioned in the prayer clause (a) of the notice invoking an Arbitration dated 06.03.2023.

- (ii) The venue of arbitration is at Pune.
- (iii) Office to inform the Sole Arbitrator regarding appointment.
- (iv) The Sole Arbitrator is requested to file the Disclosure Affidavit of Arbitration under Section 11(8)(i) of the Arbitration and Conciliation Act, 1996 within a period of three weeks from the date of receipt of the notice issued by the Registrar Judicial-I and provide copies to the parties.
- (v) Parties to appear before the Sole Arbitrator on the date fixed.
- (vi) Fees of the Sole Arbitrator will be payable in accordance with the Bombay High Court (O.S.) Rules, 2018.
- (vii) Arbitration Petition is disposed of in the above terms.
- (viii) No costs.

(R.I. CHAGLA, J.)