

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13132 OF 2023

IN

ARBITRATION PETITION NO. 87 OF 2022

M/s. O.L.C.I. Engineering Ind. Pvt. Ltd.

...Applicant/
Petitioner

Versus

Mr. Dheeraj Prasad

...Respondent

Mr. Somnath Thengal i/by George Antony for the
Applicant/Petitioner.

Mr. Om Latpate i/by Kuldeep U. Nikam for the Respondent.

CORAM : R.I. CHAGLA J

DATE : 17 October 2023

ORDER :

1. By this Interim Application, the Applicant/original
Petitioner is seeking recall of the order dated 13th December 2022
passed in the Arbitration Petition (L) No. 87 of 2022 and further to
restore Arbitration Petition to its original file for hearing on merits.

2. The Applicant has stated that Mr. A. B. Bhalerao, retired

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District Judge, appointed by this Court as Sole Arbitrator on 13th December 2022, had expired and accordingly, the present Interim Application has been filed in the disposed of Arbitration Petition.

3. By an order dated 29th September 2023, this Court had observed that the parties to the original Arbitration Petition should have informed this Court that Mr. A. B. Bhalerao had passed away in the year 2019. In view of this fact not being informed to this Court, the order dated 13th December 2022 came to be passed appointing Mr. A. B. Bhalerao as Sole Arbitrator by consent of the parties.

4. The Respondent had not appeared on 29th September 2023. Today the Respondent is represented by its Counsel.

5. The learned Counsel for the parties have agreed to the appointment of Mr. Vasant Sonawane as Sole Arbitrator in place of the late Mr. A. B. Bhalerao.

6. In view thereof, by consent of the parties, following order is passed.:-

- (i) Arbitration Petition No. 87 of 2022 is restored to file.

- (ii) Interim Application is accordingly disposed of.
- (iii) Order dated 13th December 2022 is modified by appointing Mr. Vasant Sonawane as Sole Arbitrator for resolution of the disputes between the Petitioner and the Respondent under Clause 18 of the Arbitration letter dated 12th November 2018 issued by the Petitioner to the Respondent.
- (iv) The Venue of arbitration is at Pune.
- (v) Rest of the directions issued in order dated 13th December 2022 remained the same.
- (vi) Arbitration Petition is accordingly disposed of.
- (vii) There shall be no order as to costs.

[R.I. CHAGLA J.]