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

ARBITRATION PETITION NO. 143 OF 2022

Kirloskar Brothers Limited
Through its Authorised Signatory ...Petitioner

Versus

Gammon Engineers & Contractors Pvt. Ltd.
(formerly a part of Gammon India Ltd) ...Respondent

* * *

- Mr. Siddharth R. Ronghe, for Petitioner
- Mr. Akshay Zantya, for Respondent.

* * *

CORAM : MANISH PITALE, J

DATE : 05th JANUARY, 2023.

P. C. :

1. This petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, for appointment of Arbitrator for resolution of disputes between the parties.

2. It is pointed out that a Purchase Order was placed and Works Contract was executed between the parties and both the documents contained Arbitration Clauses. Disputes arose between the parties and the Petitioner claimed that certain amounts were due from the Respondent.

3. In that context the Petitioner caused a notice dated 23rd May, 2022, to be issued to the Respondent invoking Arbitration in the context of the Purchase Order as well as the Works Contract and claimed specific amounts from the Respondent. The Petitioner

referred to the Arbitration Clause and proposed appointment of an Arbitrator. Since the Respondent failed to send reply to the said notice, the Petitioner was constrained to file the present petition.

4. On notice being issued, Respondent has appeared through Counsel. There is no dispute about the fact that identical Arbitration Clauses exist in the two documents and that there are indeed disputes between the parties. It appears that there was no consensus on the appointment of the sole Arbitrator and that therefore, the matter has reached this Court.

5. This Court is satisfied that the requirements for exercising jurisdiction under Section 11(6) of the said Act are satisfied in the present case and that the prayer made on behalf of the Petitioner can be favourably considered.

5. At this stage, the learned Counsel for the parties, on instructions, suggested the name of Hon'ble Shri Justice Chandrakant Vasant Bhadang, a former Judge of this Court to be appointed as the sole Arbitrator, for resolving the disputes between the parties. Accordingly, Hon'ble Shri Justice Chandrakant Vasant Bhadang, a former Judge of this Court is appointed as the sole Arbitrator. The details of the learned Arbitrator are as follows :

Hon'ble Shri Justice Chandrakant Vasant Bhadang

Address : 322, Varma Chambers, Homaji Street

Horniman Circle, Fort, Mumbai – 400 001.

Email : chandrakantbhadang@gmail.com

6. The learned Counsel for the parties undertake to inform the learned Arbitrator immediately about the order passed today.
7. The learned Arbitrator is requested to communicate his consent and Disclosure Statement as per Section 11(8) r/w Section 12(1) of the said Act, within four weeks to the Registrar (Judicial) of this Court.
8. The fees of the learned Arbitrator shall be as per Schedule IV to the Aforesaid Act.
9. All questions are kept open.
10. The petition stands disposed of.

(MANISH PITALE, J.)