

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.56 OF 2022

Markolines Traffic Controls Private Limited                      ...      Petitioner  
Vs.  
Western MP Infrastructure and Toll Roads Pvt. Ltd.      ...      Respondent

Mr. Shon D. Gadgil a/w. Mr. Murtaza Chherawala, Ms. Asmita Mogre,  
Ms. Fatema Plumber and Ms. Adwaita Bhagwat, i/by. CNS Juris for petitioner.  
Ms. Abha Patel, i/by. MDP Partners for respondent.

**CORAM : MANISH PITALE, J.**

**DATE : JANUARY 27, 2023**

**P.C. :**

.        This is an application filed under Section 15 of the Arbitration and Conciliation Act, 1996 for appointing a substitute arbitrator.

2.        It is pointed out that by an order dated 22.02.2019, this Court appointed Mrs. Vasanti Naik, a former Judge of this Court as the sole arbitrator. Although the proceedings were undertaken by the learned arbitrator, on 22.08.2019, she expressed her inability to continue with the proceedings on the ground of personal difficulty. In this backdrop, in October 2019, the present petition came to be filed. The respondent has appeared through advocate. There is no opposition to the prayer made in the present petition. Only a request is made that this Court may consider appointing an advocate as the sole arbitrator, on the ground that the respondent is undergoing financial difficulties. The said request is opposed on behalf of the petitioner.

3.        This Court is of the opinion that since the earlier arbitrator was a former Judge of this Court, it would be in the fitness of things if a Former Judge is appointed as the substitute arbitrator, particularly considering the nature of disputes that have arisen between the parties.

4. In view of the above, Mr. Justice Chandrakant V. Bhadang, a former Judge of this Court is appointed as the substitute arbitrator for resolution of disputes between the parties. The details of the learned arbitrator are as follows:-

**Hon'ble Shri Justice (Retd.) Chandrakant Vasant Bhadang**

322, Varma Chambers, Homaji Street,  
Horniman Circle, Fort, Mumbai - 400 001.  
Mobile No.95031 87966  
Email: chandrakantbhadang@gmail.com

5. The parties undertake to inform the learned Arbitrator about the order passed today.

6. Learned Arbitrator is requested to submit his consent and disclosure statement in terms of Sections 11(8) read with 12(1) of the aforesaid Act within four weeks to the Registrar (Judicial) of this Court.

7. The fees of the learned Arbitrator shall be fixed in terms of the Fourth Schedule to the aforesaid Act.

8. All questions are kept open.

9. Considering the peculiar circumstances of this case, it being filed in October, 2019 and the disposal of the same being delayed, *inter alia*, due to Covid-19 pandemic, it would be appropriate that the mandate of the learned arbitrator is extended. Accordingly, the mandate of the substitute arbitrator to dispose of the proceedings is extended till 31.12.2023.

10. Petition stands disposed of.

**(MANISH PITALE, J.)**

*Minal Parab*