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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.219 OF 2023

Ashoka Buildcon Ltd.

...Petitioner

Versus

Maharashtra State Electricity Distribution Co.
Ltd.

...Respondent

Mr. Sriraj Menon with Avesh Ganja i/b. Sriraj Menon for the
Petitioner.

Mr. Kunal Vaishnav with Rahul Sinha i/b. DSK Legal for the
Respondent.

CORAM : R.I. CHAGLA J

DATE : 19TH DECEMBER, 2023

ORDER :

1. By this Arbitration Petition, the Petitioner is seeking substitution of Sole Arbitrator to resolve the disputes and differences between the Petitioner and Respondent with respect to Contract awarded vide Letter of Award No. CE/APDRP/RAPDRP/Part B/T-02/01818 dated 19th January, 2012 and subsequent Contract Agreement dated 29th March, 2012 in place of the erstwhile

arbitrator Mr. Justice Chandrakant Vasant Bhadang (Retired) under Section 14 and 15 of the Arbitration and Conciliation Act, 1996 (“the Act”).

2. By an order dated 9th February, 2023, this Court had in Arbitration Petition No.29 of 2021 filed under Section 11(6) of the Act appointed Arbitrator Mr. Justice C.V. Bhadang (Retired Judge of this Court) for resolution of the disputes between the Petitioner and Respondent. Thereafter, the appointed arbitrator had by email dated 2nd November, 2023 informing the Advocates for the Petitioner and the Respondent that he will not be able to continue as Arbitrator, in view of his appointment as President, Income Tax Appellate Tribunal. Accordingly, the present Arbitration Petition has been filed.

3. Having considered the averments in the Arbitration Petition as well as the order dated 9th February, 2023 appointing the erstwhile Arbitrator in Arbitration Petition No.29 of 2021 as well as the aforementioned email dated 2nd November, 2023, the substitution of the arbitrator is granted. The learned Counsel for the parties have agreed for the appointment of Mrs. Justice Smt. R.P. Sondurbaldota (Retired Judge of this Court) as Sole Arbitrator in

place of erstwhile Arbitrator Mr. Justice C.V. Bhadang. Accordingly, the following order is passed:-

(i) Mrs. Justice R.P. Smt. R.P. Sondurbaldota (Retired Judge of this Court) is appointed as substituted Arbitrator in place of erstwhile Arbitrator Mr. Justice C.V. Bhadang.

(ii) The venue of arbitrator is Mumbai.

(iii) Office to inform the Sole Arbitrator regarding her appointment.

(iv) The Sole Arbitrator is requested to file her 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) The terms of reference of the substituted Arbitrator shall remain the same as that of the erstwhile Arbitrator vide order dated 9th February 2023.

(vi) Parties to appear before the Sole Arbitrator on the date fixed.

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

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

(ix) No costs.

[R.I. CHAGLA J.]