

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

MCA No.536/2022

Transrail Lighting Limited V Rani Durgavi Wardha Zilha Adiwasi Sahakari Soot Girni Maryadit
Yerla and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. R.N. Deshpande, Adv. for applicant.
Mr. S.N. Singh, Adv. for non-applicant no.1.

CORAM : AVINASH G GHAROTE, J.
DATE : 20-01-2023

Heard Mr. Deshpande, learned Counsel for
the applicant and Mr. S N Singh, learned Counsel for the
non applicant no.1.

2. The letter of award/work order, dated 5-12-18, executed between the parties hereto indicates the existence of arbitration clause vide clause no.15 (pg 24). In pursuance to the said work order, an amount of Rs.3.45 Crore already stands transferred by the applicant in the account of the non applicant no.1 Society on 5-12-18 itself (pg 109) (which is evident by the statement of account of the applicant with bank of India page 109). Since the work was not started the applicant by notice dated 3-3-22 (Pg 110) invoked the arbitration clause (Para 26 pg 121) which was replied by the non applicants by the communication dated

30-3-22 by a denial. Though it is contended by Mr Singh, learned Counsel for the non applicant no.1, by inviting my attention to a communication dated 25-7-19 (pg 27), addressed by the applicant to the non applicant no.1, seeking the signing of the contract agreement that by itself does not deter from the fact that there is a work order in favour of the applicant dated 5-12-18 (pg 19), which contains an arbitration clause, considering which, Shri Justice Z.A. Haq, former Judge of this Court, is hereby appointed as an Arbitrator to decide the dispute between the parties. The parties shall appear before him on 30-1-23 and shall submit a copy of this order for his perusal. The processing charges shall be deposited in this Court by 27-01-23 without which the copy of the order, shall not be issued to the applicant.

3. Application is accordingly disposed of. No costs.

JUDGE