

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

MCA No.611/2022

TEXCEL Engineers Pvt Ltd V Bharat Heavy Electrical Ltd

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

Court's or Judge's Orders

Mr. A.D. Chaudhari, Adv. for applicant.

Mr. Kolte, Adv. for non-applicant.

CORAM : AVINASH G GHAROTE, J.

DATE : 20-01-2023

It is not in dispute that on account of Clause 1 of the contract agreement dated 12-12-12, the general conditions of contract are applicable, which contain an arbitration clause in condition 2.21. A communication dated 20-6-22, was issued seeking conciliation, in terms of the clause which was not replied (pg 53). Thereafter, by the communication dated 25-6-22, the arbitration clause has been invoked which again has not been replied leading to filing of the present application.

2. Mr Kolte, learned Counsel for the non applicant does not dispute the existence of the arbitration clause as indicated nor that the same was invoked as the dispute pertains to contract agreement dated 12-12-12 which since the dispute exists, Shri Justice R.K. Deshpande, former Judge of this Court, is

hereby appointed as an Arbitrator to decide the dispute between the parties. The parties shall appear him before 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 applicants

3. Application is accordingly disposed of. No costs.

JUDGE

Deshmukh