



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 CIVIL APPLICATION NO. 5214 OF 2024
IN ARB/18/2021

SAMEER JYOTINDRA PANDE

VERSUS

M/S MARATHWADA CONSTRUCTIONS PVT. LTD. THROUGH ITS DIRECTOR
PRAMOD HARI KHAIRNAR AND ANOTHER

...

Party in person - Applicant : Mr. Sameer J. Pande

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CORAM : ARUN R. PEDNEKER, J.

Dated : September 20, 2024

PER COURT :-

1. Though served, none has entered appearance for respondents.
2. This Court by order dated 2nd March, 2023 has appointed Mr. Justice V.K.Jadhav, former Judge of this Court as an Arbitrator to decide the disputes arising between the parties. However, by letter dated 28.11.2023 the Arbitrator has informed that due to acceptance of a new assignment i.e. Member (Judicial), Maharashtra Administrative Tribunal, Bench At Aurangabad, the Arbitrator is unable to continue with the arbitration assignment in view of the Tribunal (Conditions of Service) Rules 2021.
3. Hence, present application is moved by the party in person for appointment of arbitrator.
4. Considering the application filed by the party in person, Mr. Justice P.V. Hardas, former Judge of this Court is appointed as arbitrator in this matter in place of Hon'ble Shri Justice V.K. Jadhav (Retired) under section 15 (2) of the Arbitration and Conciliation Act. Parties may apply under section 15 (3) of the Act before the Arbitrator so that the Arbitrator may pass appropriate orders. Accordingly, the civil application is disposed of with following order :

a] **Appointment of Arbitrator :-**

Hon'ble Mr. Justice P.V. Hardas, former Judge of this Court is hereby appointed to act as sole arbitrator to adjudicate upon the disputes between the parties.

b] **Communication to Arbitrator of this order :**

(i) A copy of this order will be communicated to the learned Sole Arbitrator by the Advocates for the applicant within one week from the date this order is uploaded.

(ii) In addition, within one week of this order being uploaded, the Registry will forward an ordinary copy of this order to the learned Sole Arbitrator at the following addresses :

Arbitrator : Hon'ble Shri Justice P.V. Hardas (Retired)

Address : Plot No. 307, Millenium Park, MIDC Area, Chikalthana,
Chhatrapati Sambbhajinagar (Aurangabad).

Phone No. : 96232 35939

c] **Disclosure :**

The learned Sole Arbitrator is requested to forward the necessary statement of disclosure under Section 11 (8) read with Section 12 (1) of the Arbitration Act to the Registrar of this Court, referencing this arbitration application, as soon as possible, and in any case sufficiently before entering upon the reference to arbitration. That statement will be retained by the Registrar on the file of this application. Copies will be given to both sides.

d] **Appearance before the Arbitrator :**

Parties will appear before the learned Sole Arbitrator on such date and at such place as the learned Sole Arbitrator nominates to obtain appropriate directions in regard to fixing a schedule for completing pleadings, etc.

e] **Contact / communication information of the parties :**

Contact and communication particulars are to be provided by both sides to the learned Sole Arbitrator within one week of this order being uploaded. The information is to include a valid and functional email address.

f] **Section 16 application :**

The respondent is at liberty to raise all questions of jurisdiction within the meaning of section 16 of the Arbitration Act. All contentions are left open.

g] **Interim Application/s :**

(i) Liberty to the parties to make an interim application or interim applications including (but not limited to) interim applications under Section 17 of the Arbitration & Conciliation Act, 1996 before the learned Sole Arbitrator.

(ii) Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.

h] **Fees :**

The arbitral tribunal's fees shall be governed by the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.

k] **Venue and seat of arbitration :**

The venue and seat of the arbitration will be as per the terms of the agreement or the law applicable.

(ARUN R. PEDNEKER, J.)

ssc/