



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 ARBITRATION APPLICATION NO. 13 OF 2021

Gangamai Industries And Construction Ltd. Thr Its Authorised Officer Vishnu
Sharipatrao Khedekar

VERSUS

Shri. Makai Sahakari Sakhar Karkhana Ltd. Through Its Chairman And
Managing Director And Other

...

Advocate for Applicant : Mr. Sunil B. Kakde

Advocate for Respondents 1, 2 & 3 : Mr. S.P. Salgar h/f. Mr. N.V. Gaware

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CORAM : ARUN R. PEDNEKER, J.

Dated : March 08, 2024

PER COURT :-

1] Disputes have arisen between the parties with reference to the agreement dated 06.08.2018. Clause No.16 of the contract dated 6.8.2018 provides for resolution of the disputes by arbitration, which is as under :-

"16. ARBITRATION

In case of any dispute raised by either of the parties the same shall be referred for arbitration to the arbitrator from Aurangabad mutually appointed by both the parties. The decision given by the arbitrator shall be binding on both the parties."

2] Notice was issued by the petitioner on 3.2.2020 to the respondents for appointment of arbitrator to resolve the dispute that arose out of contract dated 6.8.2018. The same is not replied by the respondents. As such, the present application is filed for appointment of arbitrator.

3] Learned counsel for the parties agree that the disputes between the parties can be referred to a sole Arbitrator. Both parties agree that, Hon'ble Shri Justice M.G. Gaikwad, former Judge of the Bombay High Court can be appointed as an Arbitrator to decide the disputes arising between them.

4] Accordingly, the arbitration application is disposed of with following order :

a] **Appointment of Arbitrator :-**

Mr. M.G. Gaikwad, Former Judge of Bombay High Court is 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 Advocate 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 post and email addresses :

Arbitrator : Shri M.G. Gaikwad, Former Judge of Bombay High Court.

Address : Symboisis Housing Society, Plot No. 6A-2, N-8, CIDCO,
Aurangabd

Phone No. 0240 – 2403717, 9822638312, 9167461686,
9167461686

Email : Justicegaikwad@gmail.com

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.

i] **Sharing of costs and fees :**

Parties agree that all arbitral costs and the fees of the arbitrator will be borne by the two sides in equal shares in the first instance.

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

Seat of the arbitration would be governed by the provisions of the agreement executed between the parties.

(ARUN R. PEDNEKER, J.)