



shakuntala

**IN THE HIGH COURT OF BOMBAY AT GOA****APPLICATION FOR APPOINTMENT OF ARBITRATOR  
NO. 17 OF 2024**

GOA METALLICS, THR. ITS  
PROPRIETOR VINIT ... APPLICANT  
WAKHARE  
VS  
SILVERSTONE LOGISTICS,  
REP. THR. ITS PARTNERS  
ABDULKALAM JAMADAR AND ... RESPONDENTS  
KASHINATH SHINDE AND  
ANR

Mr. Kaif Noorani, Advocate for the Applicant.

Mr. Vilas Pavithran, Advocate for the Respondents.

**CORAM: BHARAT P. DESHPANDE, J.**

**DATED: 03<sup>rd</sup> SEPTEMBER 2024**

P.C.

1. Heard Mr. Noorani learned counsel for the Applicant and Mr. Pavithran learned counsel for the Respondent.

2. This is an application for substituting learned Arbitrator appointed by this Court vide order dated 11.10.2023.

3. 3. Mr. Noorani submits that the learned Arbitrator Justice A.P. Lavande (Retired) Former Judge of this High Court, by a WhatsApp message, conveyed his inability to proceed further with the arbitration proceedings due to his ill health.

4. Accordingly, there is a need for change of Arbitrator.
5. Considering the order passed by this Court on 11.10.2023, in place of Justice A.P. Lavande, Justice U. V. Bakre (Retired) Former Judge of this High Court is hereby appointed as Arbitrator.
6. In these circumstances, the following order is passed:
  - a. The Application is allowed.
  - b. Justice U. V. Bakre (Retired) Former Judge of this Court is appointed as the sole Arbitrator to decide the dispute between the parties.
  - c. A copy of this order be communicated to the learned sole Arbitrator by the Advocate for the Applicant, within a period of one week from today.
  - d. The learned sole Arbitrator is requested to forward his Statement of Disclosure under Section 11 (8) read with Section 12 (1) of the Arbitration Act to the Advocate for the Applicant so as to enable him to file the same in the Registry of this Court. The Registry of this Court shall retain the said Statement on the file of this Application and a copy of the same shall be furnished by the Advocate for the Applicant to the Advocate for the

Respondents.

- e. The parties shall appear before the learned sole Arbitrator on such date and at such place as he nominates to obtain appropriate directions with regard to fixing a schedule for completing pleadings etc. The Arbitral Tribunal shall give all further directions with reference to the arbitration and also as to how it is to proceed.
- f. Contact and communication particulars shall be provided by both sides to the learned sole Arbitrator within a period of one week from today. This information shall include a valid and functional email address as well as the mobile numbers of the respective Advocates.
- g. The parties have agreed that the sole Arbitrator shall charge his fees as per the 4<sup>th</sup> Schedule of the Arbitration and Conciliation Act, 1996 read with the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018. The parties have further agreed that all the arbitral costs and the fees of the Arbitrator will be borne by the Applicant and the Respondents equally and will be subject to the final Award that may be passed by the Tribunal.
- h. The parties immediately consent to a further

extension of six months to complete the arbitration, should the learned sole Arbitrator find it necessary.

- i. The parties have agreed that the seat of the arbitration will be at Panaji, Goa. However, the venue of the Arbitration shall be decided by the sole Arbitrator taking into consideration convenience of the parties as well as his convenience.

7. The Application stands disposed of in the aforesaid terms.

**BHARAT P. DESHPANDE, J.**