

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.56 OF 2024

M/S Prakash Stone Crusher Through .. Petitioner
Its Proprietor Sambhaji Man

Versus

M S Rajpath Infracon Pvt Ltd .. Respondent
Through Chairman And Managing
Director Mr. Jagdish Laxmanrao
Kadam

...

Mr. S.R. Ronghe for the Petitioner.
Mr. Vilas Tapkir for respondent.

CORAM: BHARATI DANGRE, J.
DATED : 27th MARCH, 2024

P.C:-

1 The Petition seek appointment of an Arbitrator in the wake of clause no.18 contained in the agreement dated 26th /28th/ March, 2018, for the purposes of carrying out work of stone excavation, plant erection of hot mix plant, erection of stone crusher unit and allied purpose on the land belonging to the petitioner.

 Upon the Tahsildar, Atpadi, District Sangli, issuing the notice indicating the royalty payable on the excavation activity carried out in the land owned by the petitioner, communication was addressed to the respondent as regards payment of sum of Rs. 2,69,58,360/- as the royalty amount.

However, the respondent denied the liability for any such payment, which resulted in petitioner invoking arbitration vide its notice dated 21/12/2023. Even the name of the arbitrator was suggested in the notice and the respondent was called upon to either agree to the said name or suggest any other name in the wake of the fact that the disputes that had arisen between the parties deserved, reference to arbitration.

Apart from this, the petitioner also have some additional claims against the respondent, which is set out in its notice invoking arbitration.

2 Since the arbitration clause in the subject agreement and its invocation is not in dispute, the respective counsel are agreeable to the nomination of Mr. Bhagwat Gaikwad (Retd. District Judge, Pune) as the sole Arbitrator for resolving the disputes amongst themselves.

Hence the following Order:

Mr. Bhagwat Gaikwad (Retd. District Judge, Pune) is appointed as sole Arbitrator to adjudicate the disputes and differences that have arisen between the parties, in the wake of the invocation notice dated 21/12/2023.

The Arbitrator shall, within a period of 15 days before entering the arbitration reference forward a statement of disclosure as contemplated u/s.11(8) r/w Section 12 of the Arbitration and Conciliation Act, 1996, to the Prothonotary and Senior Master of this Court to be placed on record.

The Arbitrator, shall after entering the reference fix

the date of first hearing and issue further directions as are necessary.

The sole Arbitrator shall be entitled for the fees as per Bombay High Court (Fee Payable to Arbitrators) Rules, 2018 and the arbitral costs and fees of the Arbitrator shall be borne by the parties in equal portion and shall be subject to the final Award that may be passed by the Tribunal.

All rights and contentions of the parties are kept open.

(SMT. BHARATI DANGRE, J.)