

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION NO.135 OF 2024

MD-Infra India Pvt. Ltd. Thr. its Director

Mr. Sushant Dongare-Patil ... Petitioner

V/s.

M/s. Swami Infracon Panvel, Thr. Partner

Shri. Vikas Survase & Ors. ... Respondents

AND

ARBITRATION PETITION NO.130 OF 2024

(NOT ON BOARD)

Mr. Vikas V. Survase & Ors. ... Petitioners

V/s.

Mr. Sushant Dongre Patil & Ors. ... Respondents

Mr. Umesh Pawar a/w Sagar Sonawane for the Petitioner in ARP No.135 of 2024 and for the Respondents in ARP No.130 of 2024.

Mr. Rohit Chavan i/by Vishal Kale & Ganesh Misal for the Respondents in ARP No.135 of 2024 and for the Petitioners in ARP No.130 of 2024.

CORAM : ARIF S. DOCTOR, J.

DATE : 18TH NOVEMBER 2024

P.C. :

1. Both the Petitions seek appointment of an Arbitrator in the disputes and differences between the parties arising out of the same contract.

2. Learned Counsel for the parties today therefore submit that an Arbitrator be appointed in both these Petitions.

3. It is made clear that the Petitioner/s in Arbitration Petition No.130 of 2024 shall be the Claimant and the Petitioner/s in Arbitration Petition No.135 of 2024 shall be the counter claimant in the arbitration proceedings. Hence, I appoint Mr. K. P. Nandedkar, Retired Principal District Judge to act as an Arbitrator in respect of claims and counter claims that will be filed in the arbitration proceedings on the following terms :-

TERMS OF APPOINTMENT

- (a) Appointment of Arbitrator:** Mr. K. P. Nandedkar, Retired Principal District Judge is hereby nominated to act as a Sole Arbitrator to decide the disputes and differences 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 Petitioner within one week from the date this order is uploaded.
 - (ii) The Advocates for the Petitioner will forward an ordinary copy of this order to the learned Sole Arbitrator at the following postal and email addresses:

**Arbitrator Mr. K. P. Nandedkar, Retired
Principal District Judge**

Address C/o. Vineet Kalidas Nandedkar, Flat
No.C-404, Rose Valley Society,
Pimple Saudagar, Pune 411027.

Mobile 9767594638

Email kalidasnandedkar4313@gmail.com

- (c) **Disclosure:** The learned Sole Arbitrator is requested to forward, in hard copy or soft copy (or both), the necessary statement of disclosure under Section 11(8) read with Section 12(1) of the Arbitration Act to Advocates for the parties as soon as possible. The Advocates for the Petitioner will arrange to file the original statement in the Registry. If the statement is forwarded in soft copy, a print out of the covering email is also to be filed in the registry.
- (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. The information is to include functional email addresses and mobile numbers.

(f) 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. Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.
- (ii) The learned Sole Arbitrator is requested to dispose of all interim applications at the earliest.

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

(h) 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.

(i) Consent to an extension if thought necessary. Parties immediately consent to a further extension of up to six months to complete the arbitration should the learned Sole Arbitrator find it necessary.

(j) Venue and seat of arbitration: Parties agree that the venue and seat of the arbitration will be in Pune.

4. The Petitions are disposed of in these terms. No costs.

(ARIF S. DOCTOR, J.)