

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1639 OF 2024
IN
ARBITRATION PETITION NO.168 OF 2022
WITH
INTERIM APPLICATION (L) NO. 32405 OF 2023

Nest India Builders And Developers .. Applicant

Versus

Choudhari Developers .. Respondent

...

Mr. Sidheshwar N. Biradar for the original Petitioner.

Mr. Devidas Bhoir for Applicant in IA No.1639 of 2024

CORAM: BHARATI DANGRE, J.

DATED : 21st FEBRUARY 2024

P.C:-

1 Interim Application (L) No.32405 of 2023 not on board. Mentioned

2 On 15/10/2023, the Sole Arbitrator passed the following order:

“1. Parties to this proceedings have been granted sufficient indulges to complete pleadings and other procedural requirements.

2. The whole purpose was to shorten the span of proceedings and the dispute can be taken to its logical end by passing award. However, the parties are raising trivial objections on matters which may not have bearing on the dispute.

3. In view thereof, this Tribunal does not want to continue with this Arbitration and is as such abandoned.”

An attempt to persuade the Arbitrator to continue with the proceedings did not yield any result and once again on 17/10/2023, the Arbitrator recorded that he has already

abandoned the proceedings and there is no question of reviewing or considering the application for review.

3 The net result is that, the arbitration proceeding between the parties await substitution of the Arbitrator, if the proceedings are to be continued. The respective counsels for the parties i.e. the original petitioner and the respondent are ad-idem that the arbitral proceedings must continue further and they are at consensus over substitution of the Arbitrator and infact, both the parties have taken out distinct applications seeking the very same relief.

 In the wake of the aforesaid prayer Advocate. Siddhesh Bhole, is appointed as a substitute Arbitrator to continue the arbitration proceedings. The appointment of Mr. Bhole must be subject to the same stipulations under which the erstwhile Arbitrator was appointed. The arbitral proceedings shall continue from the stage, where the Arbitrator abandoned the proceedings, and shall be treated as continuation of the arbitral proceedings.

The details of the Arbitrator are as below:

Name :- Adv. Siddhesh Bhole.

Address :- Bouna Casa Building, 3rd floor, P.M. Road, Fort,
Mumbai-400001

IA stands disposed off in the aforesaid terms.

(SMT. BHARATI DANGRE, J.)