

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.45 OF 2024

Markolines Pavement Technologies .. Petitioner
Limited Through Its Authorized
Signatory, Mr. Vijay Oswal,

Versus

Western Mp Infrastructure Toll Roads .. Respondent
Pvt. Ltd.

...

Mr. Shon Gadgil a/w Murtaza Chherawala, Rukhsar Mulani, Neeraj
Salodkar i/b M/s CNS Juris for the Petitioner.
Mr.Mrunali Lanjewar i/b MDP & Partners for the respondent.

CORAM: BHARATI DANGRE, J.
DATED : 24th APRIL, 2024

P.C:-

1 The petition is filed by the petitioner under Section 14 along with 29 A of the Arbitration and Conciliation Act, in the wake of the fact that the two arbitrators, who was appointed earlier has expressed their incapability to conduct the arbitral proceedings.

 In the wake of the existing arbitration clause contained in the work order dated 4/12/2015, and the revised work order dated 11/05/2016, Justice (Retired) Mrs. Vasanti Naik, was appointed as a sole Arbitrator. The nominated Arbitrator however expressed incapability to conduct the proceedings and she recused herself.

 Thereafter, by order dated 27/01/2023, on an application

filed under Section 15, Justice Chandrakant Vasant Bhadang (Retired Judge of Bombay High Court) was nominated as substitute Arbitrator.

However, in the wake of his appointment as President, Income Tax Appellate Tribunal, the learned Arbitrator could not continue with the reference and hence the present petition is filed, seeking appointment of an arbitrator.

2 By consent, Advocate Amrut Joshi is agreed to be appointed as a substitute Arbitrator. The details of the Arbitrator are as below:

Name :- Adv Amrut Joshi.

Address :- 302, B wing, Fort Chambers, above Stock Exchange P.O., Homi Mody Cross Lane, Fort, Mumbai-400001.

Email :- amorjos@gmail.com

Mob :- 9004200707

3 Appointment of Arbitrator shall be subject to the following stipulations:-

The Arbitrator shall, within a period of 15 days before entering the arbitration reference forward a statement of disclosure as contemplated u/s Section 12 of the Arbitration and Conciliation Act, 1996, to the Registrar Judicial-I, 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.

The Advocate for the Applicant shall intimate the Arbitrator about his appointment within a period of one week from the date of uploading of this Order;

In addition, the Office of the Registrar Judicial-I, of this Court shall also intimate the Arbitrator about his appointment, on the email id, mentioned above within a period of one week from the date of uploading of this order.

4 Needless to state that the substituted Arbitrator shall continue with the Arbitral proceedings from the stage, where it presently stand.

In the wake of the substitution, the mandate of the arbitral tribunal is extended, by consent of the parties by period of six months from the date on which the substitute Arbitrator hold his first meeting.

(SMT. BHARATI DANGRE, J.)