

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**ARBITRATION PETITION NO.29 OF 2019**

|                                       |   |    |            |  |
|---------------------------------------|---|----|------------|--|
| M/s.Samiksha Construction Company     | ] |    |            |  |
| Through its Proprietor                | ] |    |            |  |
| Ravindra Meghraj Rathod               | ] | .. | Petitioner |  |
| vs.                                   |   |    |            |  |
| Municipal Corporation for the City of | ] |    |            |  |
| of Solapur Through its                | ] |    |            |  |
| Municipal Commissioner                | ] | .. | Respondent |  |

Mr.Rushikesh Kale for the Petitioner.

Mr.A.S. Rao for the Respondent.

**CORAM : BHARATI DANGRE, J**

**DATE : 2<sup>nd</sup> April, 2024.**

**P.C.**

1] In continuation of the order dated 28.03.2024, the learned counsel has come out with the names of four retired District Judges, who are presently stationed in Solapur, and they expressed consensus over appointment of Mr. Shabbir Auti (Retired District Judge) to be appointed as Sole Arbitrator to adjudicates the disputes between the parties.

2] In the wake of the aforesaid consensus, Mr. Shabbir Auti, Retired District Judge, is appointed as Arbitrator, whose details are given below, subject to the following terms and conditions:

RAJSHREE  
KISHOR  
MORE

Digitally  
signed by  
RAJSHREE  
KISHOR  
MORE  
Date:  
2024.04.02  
19:03:08  
+0530

Mr.Shabbir Auti  
Retired District Judge,  
Flat No.402, Silver Oak Apartment, Basweshwar Nagar,  
Opp. Antrolkar Nagar, Solapur.  
Contact No.94230 16233  
Email id : Maharashtra.Saarauti @ gmail.com

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.

Needless to state that, it shall also open for the Arbitrator to consider the aspect of delay, since I am of the prima facie view that despite objection of the Municipal Corporation, the claim is not a dead wood though the effect of delay shall be examined by the Arbitrator.

Arbitration Petition stand disposed off in the above terms.

**[BHARATI DANGRE, J]**