

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.186 OF 2023

M/S Roy Construction Co. .. Petitioner
Versus
Union Of India .. Respondent
...

Mr.Shon Gadgil a/w Mr. Pradeep Mahajan for the Petitioner.
Mr.Shreyas Deshpande for respondent.

CORAM: BHARATI DANGRE, J.
DATED : 26th APRIL, 2024

P.C:-

1 The Contract Agreement No CENM-46 of 2010-2011 was entered between the parties, where the petitioner was allotted the work of making provision for accommodation for the officers, enrolled personnel and civilian, CGAS at Daman. The work order came to be issued and it is the case of the petitioner that the work was carried out to the satisfaction of the respondent no.2 and it was even certified. Subsequent thereto, dispute arose when the final bill was submitted for carrying out the work, mentioned in the Contract Agreement, along with additional work and escalation.

2 The petitioner invoked arbitration on 15/07/2023, by specifically invoking clause no.70 of the Contract Agreement,

which provided mechanism for resolution of disputes by Arbitration and calling upon respondent no.2 to appoint an independent Arbitrator, and since this could not be achieved, this court is approached under sub-section (6) of Section 11, seeking appointment of an Arbitrator.

3 By consent of the respective counsels representing the petitioner and the Union of India, Shri Rakeshkumar Agarwal is nominated as the sole Arbitrator to adjudicate the disputes arising out of the Contract Agreement, executed between the parties.

In the wake of the above, Shri Rakeshkumar Agarwal, ADG, (Retd) is appointed as Sole Arbitrator to adjudicate the disputes and differences that have arisen between the applicant and the respondent.

The details of the Arbitrator are as below:

Name :- Shri Rakeshkumar Agarwal, ADG, (Retd) CPWD
A-15, Upper Ground Floor, South Extension-II,
New Delhi-110 049.

Mob No :- 7542030167

Email ID :- rkagrawal1958@gmail.com

The appointment of the arbitrator shall be subject to the following conditions:

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 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.

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, within a period of one week from the date of uploading of this order.

All rights and contentions of the parties are kept open.

(SMT. BHARATI DANGRE, J.)