

Gaikwad RD



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.24 OF 2024

Khuspe and Patil Steels Pvt. Ltd.

...Petitioner

Versus

Hetvi Infra Project Pvt. Ltd. & Anr.

...Respondents

Mr. Hemant G. Dharmadhikari, with Jeffry Caleb, for the Petitioner.

CORAM Dr. Neela Gokhale, J.

DATED: 2nd May 2024

PC:-

1. The Petitioner seeks appointment of an arbitrator to adjudicate the dispute arising out of a tripartite agreement dated 24th March 2014 executed by and between the parties. The agreement is relatable to the repair of an Emergency Gate, installation of Service Gate, Additional Bulk Head Gate, Repair and Maintenance of Under Sluice Gate, Gantry Crane, Radial Gates of the Tenughat Dam. The scope of work at the said dam was distributed amongst the parties to the agreement.

2. Mr. Dharmadhikari, learned counsel appearing for Petitioner states that the Respondents failed to act in aid of the terms of agreement giving rise to the dispute amongst the parties. By separate notices dated 9th February 2022 issued to both the

Respondents, the Petitioner invoked the arbitration clause and called upon the Respondents to participate in appointment of an arbitrator to resolve the dispute. However, there was no response from either of the Respondents. In the circumstances, the Petitioner has approached this Court seeking appointment of an arbitrator.

3. Issue notice to Respondents returnable within four weeks from today. The Petitioner is also permitted to serve the Respondents by private notice through all modes of communication as permissible in law. He undertakes to file an affidavit of service on or before the next date.

4. List the matter on 12th June 2024.

(Dr. Neela Gokhale, J)