

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 110 OF 2024

Badrinarayan Laltaprasad Tiwari & Ors.

...Petitioners

Vs.

Shri. K. Shivdasan & Ors.

...Respondents

Mr. B. K. Bali a/w Pallavi Bali and Gourav C. Shetye i/by Bali Associates for the
Petitioner.

Ms. Naina P. Borasale a/w Chitra Darekar i/by Girish Agrawal for Respondent
No.1.

Mr. V. S. Kapse a/w J. P. Mishra and J. S. Shukla for Respondent Nos.2 to 4.

CORAM : ARIF S. DOCTOR, J.

DATE : 24TH OCTOBER, 2024

P.C.:-

1. Learned Counsel for the Petitioner seeks time to consider the legal
position which has arisen in the matter.

2. The objection raised by Respondent Nos.2 to 4 is that the
Respondents had never ever consented to the appointment of the Arbitrator who
has now I am told recused himself. It appears that the Arbitrator appointed was
named in the Development Agreement from which the disputes and differences
have arisen. It is not in dispute before me today that the Respondents had never

consented to the appointment of the named Arbitrator. Hence the procedure of appointment of Arbitrator has not been adhered to. In this backdrop it was put to Learned Counsel for the Petitioner to take necessary instructions which he now seeks to do.

3. Stand over to 20th November, 2024.

(ARIF S. DOCTOR, J.)