

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 133 OF 2024

Pelle And Carta Technologi LLP

...Petitioner

Versus

RK Engineering And Contractors

...Respondent

Mr Suyog Naik, i/b SR Ronghe, for the Petitioner.

Mr Aniket Nangare, i/b Tejas Balsara, for the Respondent.

CORAM: ARIF S. DOCTOR, J

DATED: 17th December 2024

PC:-

SHEPHALI
SANJAY
MORMARE

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SHEPHALI SANJAY
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Date: 2024.12.17
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1. The present Arbitration Petition seeks substitution of the Arbitrator earlier appointed to resolve the disputes and differences between the parties.

2. Learned Counsel appearing on behalf of the Petitioner has invited my attention to the order dated 15th December 2022, by which this Court was pleased to appoint Mr SM Deshmukh, as the Sole Arbitrator. Learned Counsel informed that despite making attempt to reach out Mr SM Deshmukh to take the seat of Arbitration, there is no response. It is thus the present Arbitration Petition has been filed for substitution.

3. Mr Nangare, Learned Counsel appeared for the Respondent does not oppose the application.

4. Hence, by consent of the parties, I appoint Mr KP Nandedkar, retired Principal District Judge to act as the Sole Arbitrator in place and stead of Mr SM Deshmukh, the Arbitrator earlier appointed on the following Terms and Conditions:

TERMS OF APPOINTMENT

(a) **Appointment of Arbitrator:** Mr KP Nandedkar, retired Principal District Judge, is hereby nominated to act as a Sole Arbitrator to decide the disputes and differences between the parties.

(b) **Communication to Arbitrator of this order:**

(i) A copy of this order will be communicated to the learned Sole Arbitrator by the Advocates for the Petitioner within one week from the date this order is uploaded.

(ii) The Advocates for the Petitioner will forward an ordinary copy of this order to the learned Sole Arbitrator at the following postal and email addresses.

Arbitrator **Mr KP Nandedkar, retired
Principal District Judge**

Address C/o Vineet Kalidas Nandedkar,
Flat No. C-404, Rose Valley

Society, Pimple Saudagar,
Pune 411 027

Mobile 9767594638

Email kalidasnandedkar4313@gmail.com

- (c) **Disclosure:** The learned Sole Arbitrator is requested to forward, in hard copy or soft copy (or both), the necessary statement of disclosure under Section 11(8) read with Section 12(1) of the Arbitration Act to Advocates for the parties as soon as possible. The Advocates for the Petitioner will arrange to file the original statement in the Registry. If the statement is forwarded in soft copy, a print out of the covering email is also to be filed in the registry.
- (d) **Appearance before the Arbitrator:** Parties will appear before the learned Sole Arbitrator on such date and at such place as the learned Sole Arbitrator nominates to obtain appropriate directions in regard to fixing a schedule for completing pleadings, etc.
- (e) **Contact/communication information of the parties:** Contact and communication particulars are to be provided by both sides to the learned Sole Arbitrator. The information is to include functional email addresses and mobile numbers.
- (f) **Section 16 application:** The respondent is at liberty to raise all questions of jurisdiction within the meaning of section 16 of the Arbitration Act. All contentions are left open.

(g) Interim Application/s.

- (i)** Liberty to the parties to make an interim application or interim applications including (but not limited to) interim applications under Section 17 of the Arbitration & Conciliation Act, 1996 before the learned Sole Arbitrator. Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.
- (ii)** The learned Sole Arbitrator is requested to dispose of all interim applications at the earliest.

(h) Fees: The arbitral tribunal's fees shall be governed by the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.

(i) Sharing of costs and fees: Parties agree that all arbitral costs and the fees of the arbitrator will be borne by the two sides in equal shares in the first instance.

(j) Consent to an extension if thought necessary. Parties immediately consent to a further extension of up to six months to complete the arbitration should the learned Sole Arbitrator find it necessary.

(k) Venue and seat of arbitration. Parties agree that the venue and seat of the arbitration will be in **Pune**.

5. Since the arbitration proceedings have not been commenced, no orders for continuation need to be passed.
6. Needless to state that all rights and contentions of the Respondents are expressly kept open.
7. The Arbitration Petition is disposed of in these terms. No costs.

(ARIF S. DOCTOR, J)