

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 173 OF 2024

Hrishikesh Deshpande

...Petitioner

Versus

Saras Construction Firm

...Respondent

Mr Mandar Soman, for the Petitioner.

Mr Saurabh S Oka, for the Respondent.

CORAM: ARIF S. DOCTOR, J

DATED: 26th November 2024

PC:-

SHEPHALI
SANJAY
MORMARE

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by SHEPHALI
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MORMARE
Date: 2024.12.02
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1. The present Petition is for substitution of the named Arbitrator. The ground taken is that named Arbitrator would not act as the Sole Arbitrator in view of the fact that the named Arbitrator is husband of one of the parties and would be precluded as per VII Schedule of Section 12 of the Arbitration and Conciliation Act 1996. The

2. Today, parties *ad idem* on the name of the Arbitrator to be appointed. Given the fact that the parties are unable to consensus on the name of the Sole Arbitrator and the parties are from Sangli, I appoint Ms Sadhana Mahadeo Shinde, retired Principal District & Sessions Judge to act as the Sole Arbitrator to decide the disputes and differences between the parties on the following Terms and Conditions:

TERMS OF APPOINTMENT

(a) **Appointment of Arbitrator:** Ms Sadhana Mahadeo Shinde, retired Principal District & Sessions 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 **Ms Sadhana Mahadeo Shinde,**
retired Principal District &
Sessions Judge

Address A/402, Gurudatta Housing
Society, Bharti Vihar, Behind
Bharti Vidyapeeth Katraj,
Pune 411 046

Mobile 9422402610

(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) 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.
 - (g) **Fees:** The arbitral tribunal's fees shall be governed by the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.
 - (h) **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.
 - (i) **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.
 - (j) **Venue and seat of arbitration.** Parties agree that the venue and seat of the arbitration will be in **Sangli**.
3. The Arbitration Petition is disposed of in these terms. No costs.

(ARIF S. DOCTOR, J)