

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
COMMERCIAL ARBITRATION PETITION NO.19 OF 2024

Larsen and Toubro Limited .. Petitioner
Versus
Nashik Municipal Corporation .. Respondent

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Mr. Naresh Thacker with Ms.Ashna Contractor, Ms.Kareena Tahilramani i/b Economic Laws Practice for the petitioner.
Mr. M.L. Patil for the respondents.

CORAM: BHARATI DANGRE, J.
DATED : 5th APRIL, 2024

P.C:-

1 Learned counsel for the petitioner has invited my attention to the response of the Nashik Municipal Corporation to the notice invoking arbitration, and in particular, clause 8 therein.

 Though there is no denial about the existence of the arbitration agreement between the parties, but the insistence is upon appointment of the Commissioner, Nashik Municipal Corporation as a Sole Arbitrator.

 Such an appointment if permitted, effected shall admittedly be in teeth of the settled position of law, that the interested party to a dispute cannot be an Arbitrator as the

appointment shall be in violation of Section 12 read with Schedule V and Schedule VII of the Arbitration and Conciliation Act, 1986

2 Learned counsel for the respondents seek some time, which I am inclined to grant but since the petition involve the limited issue, it is directed to be listed on 2/5/2024.

(SMT. BHARATI DANGRE, J.)