

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION APPLICATION NO.74 OF 2023

Laqshya Media Ltd.] .. Applicant

vs.

The Divisional Office, Central Railway] .. Respondent

Mr.Kazan Shroff a/w P.V. Narendran i/b Lex Legal & Partners for the Applicant.

Mr.Aniket Mokashi i/b Amit Karkhanis for the Respondent.

CORAM : BHARATI DANGRE, J

DATE : 3rd January, 2024.

P.C.

1] In terms of the Clause 21 contained in notice inviting tender dated 26.02.2019 for the advertising rights on the existing sites published by the Central Railway, the Applicant has filed Application under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking appointment of Sole Arbitrator.

Clause 21 of the tender notice provide arbitration as a mode for resolution of disputes arising between the parties and it contemplated that the arbitral panel be comprised of three gazetted railway officers not below JA Grade or 2 Railway Gazetted Officers not below JA Grade and a retired Railway Officer, not below the rank of SAG Officer.

Clause 21 contemplated the appointment of Arbitrators and according to the learned counsel, in terms of clause 3(b), the Arbitral

Tribunal shall be constituted in the manner set out therein. The Applicant has, therefore, sought a relief of confirming appointment of Shri Ajit Jain as the Applicants Nominee and further direction to the Respondent to appoint the balance Arbitrators from or outside the Panel in terms of clause 21(3)(b) of the tender to adjudicate the disputes.

2] On the last date of hearing, a list of retired railway officers was circulated to the learned counsel and he has indicated the name of Arunendra Kumar IRSME retired CRB/RB alongwith the name of Ajit K. Jain IRTS Retired ME/RBD.

Upon the names being forwarded, it is now for the Respondent to act upon the names in terms of clause 21(3) (b) and constitute an Arbitral Tribunal.

The exercise shall be completed within a period of two weeks from today.

Upon constitution of the Arbitral Tribunal by inclusion of one of the name suggested by the Applicant as his nominee, the dispute that has arisen shall be referred for arbitration.

Commercial Arbitration Application stands disposed off in the abovesaid terms.

[BHARATI DANGRE, J]