

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION (ARBN) NO. 300 OF 2024

Mr Manish Thakkar

.Vs.

Artefact Projects Limited, Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr D. J. Deshpande, Advocate for the applicant
None for the respondents.

CORAM : G.A. SANAP J.

DATE : SEPTEMBER 05, 2024

Heard learned Advocate for the applicant
Perused the record and proceedings.

2. This is an application for the appointment of an Arbitrator for resolution of a dispute that has arisen between the applicant and respondent No.1.

3. It is stated that as per the agreement dated 04.01.2019, the applicant was appointed as a team leader-cum-Senior Highway Engineer for the project of the respondent by name 'Independent Engineer Services for Operation and Maintenance of Palanpur-Radhanpur Section of National Highway in the State of Gujrat'. It is stated that respondent No.1 has not paid the amount to the applicant as agreed. He has made the demand vide

letter dated 29.04.2022. Similarly, by this letter he has invoked the arbitration clause provided under the agreement. It is submitted that for the resolution of dispute it is necessary to appoint an independent Arbitrator.

4. The applicant has deleted the name of respondent No.2 *inasmuch as* respondent No.2 has satisfied the claim of respondent No.1. In this proceeding, despite granting sufficient time to respondent No.1, the respondent No.1 has not filed the reply. The advocate for respondent No.1 is not present today.

5. I have gone through the record and proceeding. The agreement is dated 04.01.2019. The agreement provides for the appointment of the Arbitrator for resolution of a dispute that arises between the parties under this agreement. In view of the claim set out in the claim notice and the arbitration clause, it is necessary to appoint an independent Arbitrator.

6. In view of this, I propose to appoint Shri Keshav Bhaskar Zinjarde, District and Sessions Judge, as the sole Arbitrator to resolve the dispute between the parties.

7. The applicant shall deposit Rs.15,000/- (Rupees Fifteen Thousand Only) with the Registry of this Court within three weeks towards processing charges.

8. The Registrar (Judicial) to seek disclosure as per Section 11(8) and 12(1) of the Arbitration and Conciliation Act, 1996.

9. The Registry shall do the needful within **three weeks.**

(G. A. SANAP, J)

Namrata