



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

MISC. CIVIL APPLICATION (ARBN) NO. 1143/2023

M/s Hardev Construction Pvt. Ltd.
Vs.
Bharat Heavy Electricals Ltd.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.K. De, Advocate for Applicant
Mr. Deoul Pathak, Advocate for Respondent

CORAM: BHARAT P. DESHPANDE, J.

DATED : 22nd MARCH, 2024

Heard learned counsel for the respective parties.

2. This is an application for appointment of Arbitrator under Section 11(6) of the Arbitration and Conciliation Act.

3. The contracts executed between the parties dated 24/10/2018 and 03/12/2018, deals with clause of arbitration in case any dispute between the parties. Since there was no response for appointment of the Arbitrator from the respondent on the basis of the notice issued by the applicant, the present application is filed for appointment of Arbitrator.

4. The learned counsel for the respondent though objected for such appointment of

Arbitrator, in view of the contentions raised in the present application and the fact that the parties agreed for appointment of Arbitrator in case of dispute, such objection needs to be rejected.

5. Accordingly, Justice Shri Rohit Deo, former Judge of this Court is appointed as Arbitrator to decide the dispute between the parties.

6. Accordingly, Hon'ble Justice Shri Rohit Deo, former Judge of this Court, is appointed as sole Arbitrator on mutual consent of the parties.

7. Learned counsel for the applicant shall communicate copy of this order to the learned Sole Arbitrator within a period of one week from today.

8. The learned Sole Arbitrator is requested to forward his Statement of Disclosure under Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act, 1996 to the learned counsel for applicant so as to enable him to file the same in the Registry of this Court. The Registry of this Court shall retain the said statement on the file of this application and copy of the same shall be furnished to the learned counsel for the applicant and learned counsel for the respondent.

9. The parties shall appear before the learned Sole Arbitrator on such date and at such place as he nominates to obtain appropriate directions with regard to fixing a schedule for completing pleadings etc. The Arbitral Tribunal shall give all further directions with reference to the arbitration and also as to how it is to proceed.

10. Contact and communication particulars shall be provided by both sides to the learned Sole Arbitrator within a period of one week from today. This information shall include a valid and functional email address as well as mobile numbers of the respective Advocates.

11. The parties have agreed that the Sole Arbitrator shall charge his fees as per the 4th Schedule of the Arbitration and Conciliation Act, 1996 read with the Bombay High Court (Fee payable to Arbitrators) Rules, 2018. The parties have further agreed that all the arbitral costs and the fees of the Arbitrator will be borne by the applicant and the respondent equally and will be subject to the final Award that may be passed by the Tribunal.

12. The parties immediately shall consent to a further extension of six months to complete the arbitration, if the learned Sole Arbitrator finds it necessary.

13. The parties have agreed that the seat of the arbitration will be at Nagpur. However, the venue of the arbitration shall be decided by the Sole Arbitrator taking into consideration convenience of the parties as well as his convenience.

14. In view of above, the Misc. Civil Application is allowed and disposed of accordingly.

15. Parties to act upon authenticated copy of this order.

(BHARAT P. DESHPANDE, J.)