



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

MISC. CIVIL APPLICATION (ARBN) NO. 82 OF 2024

Broil Solar Energy Pvt. Ltd. through its authorized representative Shri Kalpesh Kumar S/o.
Mohan Lal Jain
.Vs.
Nagpur Municipal Corporation 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 P. S. Gawai, Advocate for the applicant
Mr Girish A Kunte, Advocate for the non-applicant

CORAM : G.A. SANAP J.
DATE : SEPTEMBER 05, 2024

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

2. This is an application for appointment of the Arbitrator for resolving the dispute arisen between the parties.

3. It is stated that the applicant was awarded the project of design, engineering, manufacturing, supply, installation, testing, commissioning, operation and maintenance of Cumulative Capacity of 12.6 MWp including Megawatt scale solar Photovoltaic Power Generation Plant on the basis of deferred payment basis over a period of 240 months at various places distributed

in Zone no. 7, 9 & 10 within the jurisdiction of Nagpur Municipal Corporation. It is stated that the execution of the said project could not be taken to its conclusion for the reasons stated in the application. It is stated that on account of that the applicant has suffered loss. The mechanism for resolution of dispute has been provided under Clause 28.2 of the agreement. It is stated that for resolution of dispute the independent arbitrator is required to be appointed. The claim notice was issued. Similarly, the notice invoking arbitration clause was also issued.

4. Learned Advocates for the parties submits that Smt. Vasanti Naik, former Judge of the Bombay High Court, be appointed as an Arbitrator.

5. Accordingly, this Court proposes to appoint Smt. Vasanti Naik, former Judge of the Bombay High Court, as the sole Arbitrator to resolve the dispute between the parties.

6. The applicant shall deposit Rs.10,000/- (Rupees Ten Thousand Only) with the Registry of this Court within two weeks towards processing charges.

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

8. The Registry shall do the needful within **two weeks.**

(G. A. SANAP, J)

Namrata