



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

MISC. CIVIL APPLICATION (ARBN) NO.244 OF 2024

M/s Sudhir Construction Infraspace Pvt. Ltd. thr. its Authorized Signatory, Nagpur
(Vs.)

Maharashtra State Electricity Transmission Co. Ltd.Nagpur

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

Court's or Judge's orders.

Mr. T.A. Mirza, Advocate for applicant.

Mr. D.M. Kale, Advocate for non-applicant.

CORAM : G.A. SANAP, J.

DATE : 18.07.2024

1. Heard learned Advocates for the parties.
Perused the record and proceedings.

2. This is an application under Section 11 of
the Arbitration and Conciliation Act, 1996 (for
short “ Act of 1996”) for appointment of Arbitrator.

3. It is the case of the applicant that
construction work of administrative building at 132,
KV S/Station premises, Mankapur District Nagpur
was allotted to the applicant. The written contract
was executed between the parties. The work order
was issued to the applicant on 05.01.2017. It is
stated that dispute arose between the parties with

regard to the contract. It is stated that the contract has provided mechanism for resolution of the said dispute by way of arbitration. The applicant has stated that in order to resolve the dispute arising between the parties the Arbitrator is required to be appointed.

4. The non-applicant has filed the reply and opposed the application. However, it is admitted by the non-applicant that the mechanism for resolution of dispute by way of Arbitration has been provided in the contract i.e. clause No.46.

5. Learned Advocate initially submitted that in terms of this clause a panel of three Arbitrators consisting of serving or retired officers of MSETCL/ Government not below the grade of Chief Engineer/ Chief Accounts Officer be appointed as an Arbitrator.

6. Learned Advocates for the parties, after arguing the matter for sometime submitted that in view of the mandate of Section 12 (5) of the Act of 1996 an independent person be appointed as an Arbitrator. Learned Advocates for the parties by

consent stated the name of Shri Justice R.C. Chavan (Former Judge of Bombay High Court) as Sole Arbitrator.

7. In view of the fact that mechanism for resolution of dispute by way of Arbitration has been provided under the contract, it is desirable to appoint the Sole Arbitrator in view of the consent accorded by the Advocates for the applicant and non-applicant.

8. Accordingly, this Court proposes to appoint Shri Justice R.C. Chavan (Former Judge of Bombay High Court) as Sole Arbitrator.

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

10. The Registry shall do the needful.

11. Stand over to **25.07.2024.**

JUDGE