NC: 2024:KHC-D:17875
CMP No. 100025 of 2024

IN THE HIGH COURT OF KARNATAKA,

DHARWAD BENCH

DATED THIS THE 4TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CIVIL MISC PETITION NO. 100025 OF 2024 (-)

BETWEEN:

M/S. RE SUSTAINABILITY LIMITED
LEVEL 11B, AUROBINDO GALAXY
CITY HYDERABAD KNOWLEDGE CITY
HYDERABAD, TELANGANA - 500 0881.

...PETITIONER

(BY SRI. A B PATIL, SRI. MADAPUR MATRUGUPTA MISHRA, SMT. SONAKSHI, SRI. MUKUT CHOUDHARY, SRI. HARSH JAIN AND SMT. AKANKSHA V. INGOLE, ADVOCATES)

AND:

BELGAUM CITY CORPORATION
CTS NO 4821/27A RSNO 1005,
SUBHASH NAGAR,
BELAGAVI KARNATAKA- 590 016.

...RESPONDENT

(BY SRI. VINAYA S. KOUJALAGI, ADVOCATE)

ASHPAK KASHIMSA MALAGALADINNI

Location: HIGH COURT OF KARNATAKA

THIS CIVIL MISCELLANEOUS PETITION FILED UNDER SECTION 11(6) OF THE ARBITRATION AND CONCILIATION ACT 1996, PRAYING TO DECLARE THAT THE MANDATE OF THE LD. SOLE ARBITRATOR APPOINTED BY THIS HON'BLE COURT VIDE ORDER DATED 15.11.2023 IN CMP NO.100012 OF 2023 TO ADJUDICATE THE ARBITRATION PROCEEDINGS BEARING ARB P.NO.02/2023 STANDS TERMINATED IN ACCORDANCE WITH SECTION 14 OF THE ACT AND APPOINT AN INDEPENDENT SOLE ARBITRATOR AS A SUBSTITUTED ARBITRATOR IN TERMS OF SECTION 15 OF THE ACT TO ADJUDICATE THE DISPUTE BETWEEN THE PARTIES AND DIRECT THAT THE ARBITRATION PROCEEDINGS BEFORE THE SUBSTITUTED ARBITRATOR BE RESUMED AND CONTINUED FURTHER WITH THE SAME SET OF PLEADINGS AS ON RECORD.

THIS PETITION COMING ON FOR ADMISSION THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed to substitute the arbitrator, who has withdrawn from the arbitration proceedings. The records would reveal that in terms of earlier order, the arbitrator was appointed and later he has withdrawn from the proceeding. Hence, the present application is filed to substitute the arbitrator.

2. Learned counsel for the petitioner and respondent jointly submit that Dr. Justice H.B. Prabhakar Shastry, the retired judge of this Court be appointed as an arbitrator.

3. The submission is placed on record.

4. Dr. Justice H.B. Prabhakar Shastry is appointed as the arbitrator.

5. It is further stated by both the counsel that the arbitrator shall proceed with the arbitration proceedings from the stage where it has stopped. Submission is placed on record.

6. The Registry shall communicate this order to Dr. Justice H.B. Prabhakar Shastry and the arbitration proceeding shall commence from the stage where it has stopped and be proceeded in accordance with law.

7. The learned counsel jointly submit that the arbitration proceeding shall be held at Bangalore Arbitration Centre. Submission is placed on record. The proceedings shall be held at the Bangalore Arbitration Centre.

8. The former arbitrator, Justice A. S.Pachhapure is requested to transmit the entire records of the arbitration proceeding to the Arbitration Centre, Bengaluru.

The petition is disposed of.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

RKM
CT:ANB
List No.: 1 Sl No.: 22