



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

905 ARBITRATION APPLICATION NO. 35 OF 2024

S. N. Naik And Brothers Through Its Proprietor Shri. Kumar Namdeo
Naik

VERSUS

Union Of India Through Senior Division Engineer (co Ord), Nanded
Division

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Mr. N. S. Muthiyan h/f. Mr. S. M. Agrawal, Advocate for Applicant
Mr. Madhur A. Golegaonkar, standing Counsel for Respondent/sole

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CORAM : ROHIT W. JOSHI, J.
DATE : 7th AUGUST, 2025

P.C.:

1. This is an application for appointment of Arbitrator for resolution of dispute arising between the parties under Agreement dated 04.12.2019. It is not in dispute that Clause 63(3) of General Conditions of Contract provides for resolution of disputes between the parties by Arbitration.

2. The learned Counsel for the respondent objects to appointment of Arbitrator on the ground that a petition under Section 9 of the Arbitration and Conciliation Act, 1996 is filed by the petitioner in which order of status quo is passed and therefore there is no need for appointment of arbitrator.

3. Proceedings under Section 9 of the Arbitration and Conciliation Act, 1996 is for interim measures of protection, appointment of Arbitrator is required to be made for adjudication of the disputes on merits.

4. In view of the above, preliminary objection is rejected.

5. With the concurrence of both the parties Hon'ble Shri.S. V. Gangapurwala, Former Chief Justice of Madras High Court is appointed as sole Arbitrator for adjudication of the dispute between the parties.

[ROHIT W. JOSHI J.]