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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 52 OF 2024

Uttar Pradesh Rajkiya Nirman Nigam
Limited

...Petitioner

Versus

Employees State Insurance Company

...Respondent

Ms. Shilpa Kapil *for the Petitioner.*

Advocate for the Respondent appeared but appearance not tendered.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 9, 2025

PC :

1. This is a Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 ("the Act").

2. By an order dated March 12, 2025, Learned Sole Arbitrator was appointed by me, who has unfortunately passed away since passing of the order. In these circumstances, it would be necessary to replace the Learned Sole Arbitrator appointed by the said order. In the aforesaid circumstances, the order dated March 12, 2025 appointing Learned sole arbitrator is modified in the contents of Paragraph No.5 in the following terms:-

A] Justice (Retd.) Abhay Manohar Sapre, former judge of the Supreme Court of India, is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above;

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B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner within a period of one week from the date on which this order is uploaded on the website of this Court. The Petitioner shall provide the contact and communication particulars of the parties to the Arbitral Tribunal along with a copy of this Order;

C] The Learned Sole Arbitrator is requested to forward the statutory Statement of Disclosure under Section 11(8) read with Section 12(1) of the Act to the Advocates for the Petitioner so as to enable them 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 Petition and a copy of the same shall be furnished by the Advocates for the Petitioner to the Respondent;

D] The parties shall appear before the Learned Sole Arbitrator on such date and at such place as indicated, to obtain appropriate directions with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc. At such meeting, the parties shall provide a valid and functional email address along with mobile and landline numbers of the respective Advocates of the parties to the Arbitral Tribunal. Communications to such email addresses shall constitute valid service of correspondence in connection with the arbitration;

E] All arbitral costs and fees of the Arbitral Tribunal shall be borne by the parties equally in the first instance, and shall be subject to any final Award that may be passed by the Tribunal in relation to costs.

3. Petition is *finally disposed of* in the aforesaid terms.

4. All other contents of the order dated March 12, 2025 shall remain intact.

5. Needless to say, nothing contained in this order is an expression of an opinion on merits of the matter or the relative strength of the parties. All issues on merits are expressly kept open to be agitated before the arbitral tribunal appointed hereby.

6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]