
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 162 OF 2024

Zeal Infraproject Private Limited

....Petitioner

Versus

The State of Maharashtra

....Respondent

Mr. Vivek M. Punjabi *a/w. Adv. Priyansh R. Jain , Advocates for
Petitioner.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 22, 2025

PC :

1. This is an Application seeking substitution of an arbitral tribunal as a sole arbitrator since the arbitrator has recused.
2. Learned Counsel for the Respondent submits that, for other similar land acquisitions in the same region for the same national highway, other government officials have been identified for appointment as substitute arbitrator. Learned Counsel for the Respondent submits that the arbitrators are not unilaterally appointed but are appointed by the Central Government.
3. In this case, since the arbitrator has recused without passing an award, a few years after having considered the matter, it would be

appropriate to effect substitution of the arbitrator in exercise of the powers under Section 15 of the Arbitration and Conciliation Act, 1996.

4. In these circumstances, it would be appropriate to appoint a substitute arbitrator, which I do in the following terms:-

A] Mr. S.V. Gangapurwala (Retd.) Judge of this Court 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.

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from today. The Applicant 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 parties within a period of two weeks from receipt of a copy of this Order;

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 and;

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.

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.]