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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 173 OF 2024

Hrishikesh Deshpande

...Petitioner

Versus

Saras Construction Firm

...Respondent

Mr. Mandar Soman *for the Petitioner.*

Mr. Saurabh Oak (Through V.C.) *for the Respondent*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 12, 2025

PC :

1. By an order dated November 26, 2024, a Learned Single Judge of this Court was pleased to substitute an arbitrator for the sole arbitrator who was conducting arbitral proceedings until this date.

2. Today, I am informed that the said arbitrator has refused to take up the matter on personal grounds. In these circumstances, the parties have agreed that the arbitrator needs to be replaced.

3. Consequently, this Petition is ***finally disposed of*** in the following terms:-

A] Mr. Mukund Datye, Retired District Judge, City Civil Court, based in Sangli 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;

Address : Datye Wada, Brahmanpuri, Miraj – 416 416.

E-mail ID: Datyesaheb@gmail.com

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.

4. 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.]