

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 44 OF 2024

M/s. Sam (India) Buitwell Pvt. Ltd.

...Petitioner

Versus

Union of India & Anr

...Respondent

Ms. Risha Mittal, *a/w Hussain Dholaknanda, for the Petitioner.*

Mr. Kedar B. Dighe, *'A' Panel Counsel a/w Ashutosh Mishra, for Respondent-UoI.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 6, 2025

PC :

1. This is a Petition seeking appointment of an arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996 ("***the Act***") in connection with all disputes and differences relating to a construction contract bearing No. CA NO. CEPZ/PNA/62 OF 2017-2018.

2. After the parties were heard at some length, by consent, the following order is being passed:-

a) Representatives of the Applicant shall meet
Respondent No.1 on January 13, 2025 at 11:00 a.m. to

compute the undisputed portions, of any claim, and negotiate and settle the same, so that the arbitration proceedings are not burdened by having to consider the material relating to such settled claim;

- b) As regards the residual claims, by consent, the parties agree that Mr. Vijender Kumar Jain, Pr. Chief Material Manager, Railways who is listed at Item 3 of the list of empaneled pre-approved arbitrators for Military Engineer Services, shall conduct arbitration proceedings in accordance with the Act; and
- c) The first meeting of the arbitral tribunal is fixed for January 27, 2025 on which date, the Learned Arbitrator hereby appointed, shall issue further directions in connection with conduct of the proceedings. He shall fix a time as convenient for such preliminary meeting.

3. Mr. Dighe fairly states that, after such a settlement, if any, is arrived at, it may take some time to have the actual payment made.

Being a jurisdictional Court under Section 11, I do not think it necessary to get into this facet of the matter. Suffice it to say, that should the parties arrive at a settlement for a component of the claims currently in question, the Court requests that such undisputed and settled portion be paid out to the Applicant within a period of eight weeks from today.

4. Since this matter has been resolved in the aforesaid manner, no other directions are being issued. The Application under Section 11 of the Act is disposed of finally in the aforesaid terms.

5. 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.]