

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION APPLICATION NO.90 OF 2024

RGJR Construction LLP
Versus
State of Maharashtra

...Applicant

...Respondent

Ms Jyoti Chavan, *AGP for State.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 8, 2025

PC :

1. This Application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (*"the Act"*) seeking appointment of an arbitrator in connection with disputes and differences arising out of Agreement dated January 3, 2019 (*"Agreement"*). The arbitration agreement is contained in Clause 38.3 (found at Page No.59 & 60 of the Application). In the interest of brevity, the same is not reproduced here. Suffice it to say that the matter falls within the jurisdiction of this Court.

2. Arbitration has been invoked on January 19, 2023. The Applicant has nominated his arbitrator and called upon the Respondent to nominate one arbitrator on his part in accordance with

the arbitration agreement. The Respondent has refrained from nominating the same. Despite service none has appeared for Respondent.

3. Today when the matter was called out, Learned Additional GP confirms that the Respondent would nominate Justice (Retd.) Akil Kureshi as their nominee arbitrator. The two arbitrators so nominated shall select the presiding arbitrator.

4. In these circumstances, this Application is *finally disposed of* leaving it to the two nominee arbitrators to confer and appoint the third arbitrator who shall be the Presiding Arbitrator.

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.]