

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.281 OF 2024

Alpine Housing Development Corporation Ltd.Petitioner

Versus

Central Railways ...Respondent

Mr. Pranit Singh *a/w. Krishnan Agarwal & Amisha Lolusare i/b. A.S. Jadhav, Advocate for Petitioner.*

Mr. T.J. Pandian *a/w. Prajakta Joshi, Gautam Modanwal & Noorjahan Khan, Advocates for Respondent.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : AUGUST 4, 2025

ORDER :

1. Having heard the parties, it would be appropriate to appoint the substitute arbitrator leaving all contentions, including the effect of delay of both sides open while assessing the implications of such delay.

2. Needless to say, even the contention of limitation on original claim is left open. What has transpired in this matter is that the arbitration has simply not taken place. In these circumstances, by consent of parties, the substitute arbitrator is appointed in the following terms :-

A] Justice Shri. R.Y. Ganoo, a Former 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;

Address Flat No.B-301/302,
Tilak Vaishali CHS Ltd.,
Building No.14, Tilak Nagar,
Chembur, Mumbai – 400 089.
Unit No.2, 2nd Floor,
Room No.26, Bldg.No.22,
Raja Bahadur Compound,
Ambalal Doshi Marg,
Fort, Mumbai 400 023.

Tel : 022-25272204

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 of upload of this order. 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 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;

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. 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.

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.]