

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION (ARBN) NO. 285 OF 2024

M/s. Anand Tembhurne, through its proprietor .vs. Central Railway Electrical
Department, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr S. W. Sambre Advocate for the applicant
Smt. S. N. Deshpande, Advocate for non-applicant

CORAM : G.A. SANAP J.
DATE : NOVEMBER 21, 2024

Heard.

2. This is an application for appointment of an arbitrator for resolution of the dispute that has arisen between the parties. The contract/agreement is on record at Annexure A. It is dated 06.06.2018. The agreement provides for a mechanism for resolution of a dispute arising between the parties. The notice dated 23.01.2024 issued by the applicant and thereby the applicant has invoked the arbitration clause. The nature of the claim has spelt out in the notice.

3. Learned Advocate for the respondent-railway submitted that there is a dispute with regard to the rates sought to be charged by the petitioner. It is submitted that petitioner is not entitled to the rates claimed in the application.

4. It is to be noted that the dispute with regard to the rates cannot be decided in this proceeding. Learned Arbitrator would be required to resolve the dispute. This court is required to consider two principal facts; (1) the existence of contract or agreement (2) the clause for resolution of dispute by way of an arbitration.

5. In view of the above, the prayer for appointment of the arbitrator deserves to be allowed.

6. Accordingly, this Court proposes to appoint Shri A. S. Shivankar, the retired District Judge, as the sole Arbitrator to resolve the dispute between the parties.

7. The Registrar (Judicial) to seek disclosure as per Section 11(8) and 12(1) of the Arbitration and Conciliation Act, 1996.

8. The applicant shall deposit Rs.10,000/- (Rupees Ten Thousand Only) with the Registry of this Court within three weeks towards processing charges.

9. The Registry shall do the needful within **three weeks.**

(G. A. SANAP, J)