



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

907 ARBITRATION APPLICATION NO. 49 OF 2025

SHRI RAMDEOBABA CHARITABLE SOCIETY THR.ITS PRESIDENT
JATIN L RATI

VERSUS

MUNICIPAL COUNCIL KILLE DHARUR THR. ITS CHIEF OFFICER

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Advocate for Applicant : Ms. Aummaheshwari Sahebrao Jadhav

Advocate for Respondent : Mr. Shrimant Ravsaheb Kedar

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CORAM : ARUN R. PEDNEKER, J.

Dated : 17.04.2026

PER COURT :

1. Heard.

2. The learned Counsel for the applicant submits that the parties have entered into an agreement for a home housing scheme dated 09.12.2021. The said agreement also provides for resolution of disputes through arbitration under Clause 12, which reads as under :

“12) ARBITRATION : -

Both the parties hereby specifically agrees, declare and covenant that if any dispute arises in respect of the tender and/ or any work and/or of present agreement and/or the interpretation of the agreement and about the quality or in quantity of works, both the parties shall have rights to refer any type of such disputes to the arbitrator. The arbitrator shall be the Technical Officer of the rank of Executive Engineer or above of the Nodal agency appointed by GoM for the implementation of this scheme i.e. Mhada and the decision of the arbitrator shall be binding to the parties to this agreement.”

3. The learned Counsel for the applicant submits that disputes have arisen between the parties and that a notice dated 14/07/2025 was issued invoking arbitration for resolution of the disputes. However, the said notice has not been

responded to by the other side and, therefore, the present arbitration application has been filed for appointment of an arbitrator.

4. Considering the same, this Court deems it appropriate to exercise powers under Section 11(6) of the Arbitration and Conciliation Act for appointment of an Arbitrator.

5. The parties are ad idem and have agreed to appoint Hon'ble Shri Justice R. M. Borde (Retired) for Arbitration of the disputes between the parties. Accordingly, the arbitration application is disposed of with following order :

a] **Appointment of Arbitrator :-**

Hon'ble Shri Justice R. M. Borde (Retired) is appointed to act as sole arbitrator to adjudicate upon the disputes between the parties.

b] **Communication to Arbitrator of this order :**

(i) A copy of this order will be communicated to the learned Sole Arbitrator by the Advocates for the applicant within one week from the date this order is uploaded.

(ii) In addition, within one week of this order being uploaded, the Registry will forward an ordinary copy of this order to the learned Sole Arbitrator at the following post and email addresses :

Arbitrator	:	Hon'ble Shri Justice R. M. Borde (Retired)
Address	:	M-2 and 3, Mangal Kalash Co-Operative Housing Society, Shreyanagar, Near Zambad Estate, Behind Deogiri Bank, Aurangabad - 431 005.
Phone No.	:	9421317205, 9421317209

c] **Disclosure :**

The learned Sole Arbitrator is requested to forward the necessary statement of disclosure under Section 11 (8) read with Section 12 (1) of the Arbitration Act to the Registrar of this Court, referencing this arbitration application, as soon as possible, and in any case sufficiently before entering upon the reference to arbitration. That statement will be retained by the Registrar on the file of this application. Copies will be given to both sides.

d] **Appearance before the Arbitrator :**

Parties will appear before the learned Sole Arbitrator on such date and at such place as the learned Sole Arbitrator nominates and the parties to obtain appropriate directions from the arbitrator in regard to fixing a schedule for completing pleadings, etc.

e] **Contact / communication information of the parties :**

Contact and communication particulars are to be provided by both sides to the learned Sole Arbitrator within one week of this order being uploaded. The information is to include a valid and functional email address.

f] **Section 16 application :**

The respondent is at liberty to raise all questions of jurisdiction within the meaning of section 16 of the Arbitration Act. All contentions are left open.

g] **Interim Application/s :**

(i) Liberty to the parties to make an interim application or interim applications including (but not limited to) interim applications under Section 17 of the Arbitration & Conciliation Act, 1996 before the learned Sole Arbitrator.

(ii) Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.

h] **Fees :**

As per the Arbitration and Conciliation Act.

i] **Sharing of costs and fees :**

As per the Arbitration and Conciliation Act.

J] **Venue and seat of arbitration :**

Seat and venue of the arbitration would be governed by the provisions of the Act and Agreement executed between the parties.

All the contentions of the parties are kept open to be urged before the learned Arbitrator.

(ARUN R. PEDNEKER, J.)

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