

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM. ARBITRATION PETITION (L) NO.281 OF 2017**

Pratibha Industries LimitedPetitioners

Vs.

Municipal Corporation of Greater Mumbai and Ors.Respondents

Mr. U.J. Makhija a/w. Mr. Parag Khandhar and Mr. Sohil Shah i/b. DSK Legal for petitioners.

Mr. E.P. Bharucha, senior advocate a/w. Mr. R.Y. Sirsikar for respondent (MCGM).

Mr. A.M. Agashe, Assistant Engineer (Meter Work Shop) City – representative of respondent present.

CORAM : K.R.SHRIRAM, J.

DATE : 27th JUNE, 2017

PC.:

1 Mr. Makhija, counsel for petitioners, on instructions states that petitioners are ready and willing to go for arbitration and suggests that Mr. Justice V.M. Kanade (retired) be appointed as the Sole Arbitrator. Mr. Bharucha, senior counsel for respondent (MCGM), on instructions from Mr. Agashe, Assistant Engineer (Meter Work Shop) City – representative of respondent, who is present in court, states that respondents have no objection to the suggestion made by Mr. Makhija and Mr. Justice V.M. Kanade (retired) be appointed as the Sole Arbitrator.

2 In view of the above, Mr. Justice V.M. Kanade (retired) is appointed as the Sole Arbitrator to decide on all issues between parties arising out of or in connection with or with reference to the Tender dated

19th September, 2008 alongwith Corrigendum issued by respondent no.1 for supply, installation and maintenance of AMR water meters of various sizes in the City area of Mumbai consisting of wards A,B,C,D,E,F/North, F/South, G/North and G/South (the Project). The fees and administrative expenses of the Learned Arbitrator together with typing charges and venue charges, if any shall be shared equally between the parties in the first instance and the same will be costs in the arbitral proceedings.

3 The parties are at liberty to file all pleadings and documents before the Learned Arbitrator and petitioners are at liberty to move the Learned Arbitrator under Section 17 of the Arbitration and Conciliation Act, 1996 for appropriate reliefs.

4 In view of the fact, no order in this petition. Petition accordingly stands disposed.

(K.R. SHRIRAM, J.)