

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMMERCIAL ARBITRATION APPLICATION NO.71 OF 2017

Tata Power Renewable Energy Limited)....Applicant
V/s.

Photon Energy Systems Limited)....Respondent

Mr.Rajeev K.Panday a/w Mr.Madhur Rai I/by M/s.RRG and Associates
for the applicant.

Mr.Rakesh Reddy for respondent.

CORAM : K.R.SHRIRAM,J

DATE : 6.9.2018

P.C.:-

1. Mr.Reddy for respondent at the outset, states that his instructions are that respondent will appoint an Arbitrator and the two arbitrators can appoint a presiding arbitrator. Mr.Panday for the applicant states that, that would only increase the cost of arbitration and after some deliberation, both the counsel left it to the court to appoint sole arbitrator.

2 Therefore, by consent, Shri Justice S.J.Vazifdar (Retd.) former Chief Justice of Punjab & Haryana High Court and former Judge of this Court, is appointed as sole arbitrator in accordance with clause-12 of the Purchase order dated 15.3.2011. The fees, administrative expenses, typing charges and venue charges to be

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shared equally between the parties and the same will be cost in the arbitral proceeding.

3 The arbitrator to make a disclosure in writing as required under Section 11(8) r/w 12(1) of the Arbitration and Conciliation Act 1996 directly to the parties within two weeks of receiving communication and the copy of this order from either of the parties.

4 All rights and contentions of the parties are kept open except to question the jurisdiction of the arbitrator which has been concluded by this court.

5 Application accordingly disposed.

(K.R.SHRIRAM,J)