

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Commercial Arbitration Petition No. 31 of 2026

Union of India ... Petitioner
v/s.
M/s. Patil Construction Pvt. Ltd. ... Respondent

Ms. Dhruti Kapadia	Advocate for the petitioner.
Mr. M.N. Sandhyanshiv	Advocate for the Respondent.

CORAM : S.M. MODAK, J

DATE : 28th August 2026.

P.C. :

1. Heard learned Advocate for the Petitioner and learned Advocate for the Respondents.

2. It is true there is an arbitration clause in Tender which is clause No.7-B at Page No.78. It says about appointment of an Arbitrator who is having engineering background. Notice is already given invoking arbitration clauses. Even though in the arbitration petition request is to appoint Arbitrator having engineering background, the submission is made that Retired High Court Judge may be appointed who is having legal acumen considering the fact that amount involved in the dispute is more than 18 Crores. It is true by way of affidavit-in-reply, learned Advocate has suggested 3 names

having engineering background.

3. No doubt considering the nature of the dispute if an Arbitrator is having engineering background, it will be an added advantage. However, considering the nature of the dispute this Court feels that an Arbitrator having a legal background will be in the fitness of the things. Learned Advocate for the Petitioner has suggested the name of Justice D.S. Thakur, a retired Chief Justice of High Court of Andhra Pradesh. It is consented by learned Advocate for the Respondents. In view of that following order is passed:

ORDER

- A) Justice D.S. Thakur, Former Chief Justice of Andhra Pradesh High Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out and in connection with the matter referred above;

Office address :- Apartment No.202, Surabhi CHS,
Oshiwara, Mumbai.

Email id : - dsthakur.chambers@gmail.com

Contact No. - 9419187734

- 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 uploading 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 as per the Schedule.

4. Commercial Arbitration Petition is disposed of.

(S.M. MODAK, J.)