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

INTERIM APPLICATION NO.13209 OF 2023

IN

ARBITRATION PETITION NO.25 OF 2022

M/s. Dana Anand India Pvt. Ltd.

...Applicant /

Formerly known as Spicer India Pvt. Ltd.

Petitioner

Versus

Mr. Raju Jamdar proprietor of Akbar Industries ...Respondent

Prasad Gajbhiye for the Applicant / Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 7 AUGUST 2023.

ORDER :

1. By this Interim Application, the Applicant / Petitioner has sought permission to serve the Respondent by way of substituted service viz. by way of newspaper publication in two widely circulating newspapers in the locality of Respondent namely Times of India, (English) and Mahasatta in Marathi language.

2. The Applicant / Petitioner has stated that the Arbitration Petition which has been filed for appointment of arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996 had been attempted to be served on the Respondent vide RPAD. However, the

packet containing the letter dated 4th October, 2022 informing the Respondent about the aforesaid order dated 28th September, 2022 passed by this Court issuing notice to the Respondent, returnable on 19th October, 2022, had been returned by the postal department with the remark 'Intimation Posted' on the office address of Advocate for the Applicant. A copy of returned packet has been annexed to the Exhibit E to the Interim Application.

3. The Applicant has stated that Arbitration Petition No.25 of 2022 was listed before this Court on 17th January, 2023. By order this Court observed that the notice could not be served on the Respondent and directed the Advocate for the Petitioner to take appropriate steps for service on the sole Respondent within three weeks.

4. The Applicant has stated that the address of the Respondent duly mentioned in the sub contract agreement is the only available address and there is no alternate available address of the Respondent with the Applicant. In view of the attempted service on the Respondent by registered post being unsuccessful, the Applicant has sought relief in the present Interim Application for substituted

service.

5. Having considered averments in the Interim Application, as well as the fact that service of notice at the address mentioned in the sub contract agreement issued by this Court has not been successful, it would be appropriate for the Applicant / Petitioner to serve by way of substituted service on the Respondent. Hence, the following order:-

(i) The Applicant / Petitioner shall serve the Respondent by way of substituted service viz. newspaper publication in two widely circulating newspapers in the locality of Respondent namely Times of India (English) and Mahasatta (Marathi) within a period of three weeks from the date of this Order.

(ii) Upon the public notice being issued, the Applicant / Petitioner shall file Affidavit of Service to that effect within a period of one week thereafter.

(iii) Interim Application is accordingly disposed of.

[R.I. CHAGLA J.]