



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**52 CIVIL APPLICATION NO. 15380 OF 2023**

**IN**

**ARB/15/2021**

**M/S. AUTOBAAHN ENTERPRISES PVT. LTD. THR. DIRECTOR SHRI.  
HARSHIL H. CHOKSEY**

**VERSUS**

**SKODA AUTO INDIA PVT. LTD.**

...

**Advocate for Applicant : Mr. Diwakar R. Singh a/w. Mr. A. M. Reddy**

**Advocate for Sole Respondent : Mr. S. V. Adwant**

...

**AND**

...

**53 CIVIL APPLICATION NO. 15382 OF 2023**

**IN**

**ARB/16/2021**

**M/S. AUTOBAHN ENTERPRISES PVT. LTD. THR. DIRECTOR SHRI.  
HARSHIL H. CHOKSEY**

**VERSUS**

**SKODA AUTO INDIA PVT. LTD.**

...

**Advocate for Applicant : Mr. Diwakar R. Singh a/w. Mr. A. M. Reddy**

**Advocate for Sole Respondent : Mr. S. V. Adwant**

...

**CORAM : ARUN R. PEDNEKER, J.**

**DATE : 29<sup>th</sup> JANUARY, 2024**

**PER COURT:**

1. Heard.

2. This court by order dated 21.10.2022, had appointed  
Hon'ble Shri Justice V. K. Jadhav (Retired), as sole arbitrator in both the

matters. However, Hon'ble Shir Justice V. K. Jadhav (Retired) has now become a Member of the Maharashtra Administrative Tribunal. In view of the same, the civil applications are filed to appoint a substitute sole arbitrator for further proceedings and adjudication of the dispute between the parties.

3. Both parties agree that, Justice Shri R. M. Borde, former Judge of this Court can be appointed as an Arbitrator to decide the disputes arising between them.

4. Accordingly, the civil applications are disposed of with following order :-

**a) Appointment of Arbitrator :-**

Justice Shri R. M. Borde, Former Judge of this Court 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 postal and email addresses :-

**Arbitrator :** Hon'ble Shri Justice R. M. Borde,  
former Judge of this Court.

**Address :** M – 2, Mangal Kalash Housing Society,  
Zambad Estate, New Shreya Nagar,  
Aurangabad – 4310 001

**Phone :** 9421317205

**Email :** [rmborde11@gmail.com](mailto:rmborde11@gmail.com)

**(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 to obtain

appropriate directions 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 :-**

The arbitral tribunal's fees shall be governed by the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.

**(i) Sharing of costs and fees :-**

Parties agree that all arbitral costs and the fees of the arbitrator will be borne by the two sides in equal shares in the first instance.

**(j) Venue and seat of arbitration :-**

Seat of the arbitration would be governed by the provisions of the agreement executed between the parties.

**[ARUN R. PEDNEKER, J.]**

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