

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

COMMERCIAL ARBITRATION PETITION (L) NO. 4736 OF 2024

Goldmines Telefilms Private Limited

...Petitioner

Versus

Vijay Chandar J & Anr

...Respondents

WITH

ARBITRATION APPLICATION NO. 166 OF 2024

WITH

ARBITRATION APPLICATION NO. 154 OF 2024

Mr Zal Andhyarujina, Senior Advocate, with Aurup Dasgupta, Serena Jethmalani, Drshika Hemnani & Ayushi Jha i/b M/s. Jhangiani, Narula & Associates, for the Petitioner.

Mr Naveen Kumar Murthy, with S. Sidhartha Vishnu i/b Jayesh Mestry, for the Respondents.

CORAM. ARIF S. DOCTOR, J

DATED: 23rd September 2024

PC:-

1. This matter arises out of a Film Remaking Agreement. There is no dispute today to the existence of the said Agreement or to the present

Application. Hence, the Application is allowed in terms of prayer clause (a), which reads as follows:

“(a) The Hon'ble Court, be pleased to appoint an Arbitrator to adjudicate the disputes and differences between the parties under Section I I of the Arbitration and Conciliation Act, 1996, as per the terms and conditions laid down in the Remake Agreement dated October 2023, which is annexed at Exhibit “A” hereto.”

2. Hence, I appoint Mr Justice Akil Kureshi, Former Chief Justice of Rajasthan High Court to act as the sole Arbitrator on the following Terms and Conditions:

TERMS OF APPOINTMENT

- (a) Appointment of Arbitrator:** Mr Justice Akil Kureshi, Former Chief Justice of Rajasthan High Court, is hereby nominated to act as a Sole Arbitrator to decide the disputes and differences between the parties under the Film Remaking Agreement.
- (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)** The Advocates for the Applicant will forward an ordinary copy of this order to the learned

Sole Arbitrator at the following postal and email addresses:

Arbitrator **Mr Justice Akil Kureshi**
(Former Chief Justice of
Rajasthan High Court).

Address 617, Raheja Chambers, 6th
Floor, Free Press Journal Marg,
213 Nariman Point, Mumbai –
400021.

Mobile 9408481511

- (c) **Disclosure:** The learned Sole Arbitrator is requested to forward, in hard copy or soft copy (or both), the necessary statement of disclosure under Section 11(8) read with Section 12(1) of the Arbitration Act to Advocates for the parties as soon as possible. The Advocates for the Petitioners will arrange to file the original statement in the Registry. If the statement is forwarded in soft copy, a print out of the covering email is also to be filed in the registry.
- (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. The information is to include functional email addresses and mobile numbers.

(f) 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. Any such application will be decided in such manner and within such time as the learned Sole Arbitrator deems fit.
- (ii)** The present Commercial Arbitration Petition (L) No. 4736 of 2024 under Section 9 of the Arbitration Act will be treated, heard, and disposed of as an application under Section 17 of the Act. The pleadings in these said Application are complete. Given the urgency expressed by Learned Counsel appearing on behalf of the Respondent, the Tribunal is requested to dispose of the same within a period of four weeks from the date on which the Tribunal issue directions for hearing.
- (iii)** Needless to state that this is subject to the exigencies and other commitments that the Tribunal may have. All rights and contentions of the parties are kept expressly open. The

statement made as recorded by the Respondent as recorded in the order 21st February 2024 shall be continued only until such time as the Application is disposed of and subject to the further orders of the Tribunal.

- (iv) Liberty to apply to the learned Sole Arbitrator for leave to file further affidavits.
- (v) The learned Sole Arbitrator is requested to dispose of all interim applications at the earliest.
- (g) **Fees.** The arbitral tribunal's fees shall be governed by the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.
- (h) **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.
- (i) **Consent to an extension if thought necessary.** Parties immediately consent to a further extension of up to six months to complete the arbitration should the learned Sole Arbitrator find it necessary.
- (j) **Venue and seat of arbitration.** Parties agree that the venue and seat of the arbitration will be in Mumbai.

3. The Petition and the Application are both disposed of in these terms. No costs.

4. The Arbitration Application No. 166 of 2024 is to be de-tagged from these matters and list separately.

(ARIF S. DOCTOR, J)