

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

COMMERCIAL ARBITRATION APPLICATION NO.206 OF 2024

M/s. Alphatec Audio Video Private Limited ...Applicant

Versus

Inteliwaves Technologies Private Limited ...Respondent

Ms Gargi Patil *a/w. Keerthi Kamath i/b. MZM Legal LLP,*
Advocate for Applicant.

Mr. Vividh Tandon *a/w. Mehul Thakkar, Advocate for*
Respondent.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 12, 2025

PC :

1. This Application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (***“the Act”***), seeking appointment of an arbitrator in connection with disputes and differences that are said to have arisen between the parties under an agreement dated September 11, 2023. The arbitration agreement is contained in Clause 5 (found at Page 62 of the Application). In the interest of brevity, the arbitration agreement is not being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

2. Learned Counsel for the parties jointly submit that they have no objection with an arbitrator being appointed.

3. In these circumstances, this Application is *finally disposed of* sending the parties to conduct arbitral proceedings before the Arbitral Tribunal appointed hereby in the following terms :

A] Mr. Sumit Rai, an advocate of this Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above;

Office Address:- 2nd Floor, Techno Heritage Building,
76 Nagindas Master Road,
Kala Ghoda, Fort,
Mumbai – 400 023.
Email ID :- sumit@theksr.com

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from today. The Application 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 in the first instance, and shall be subject to any final Award that may be passed by the Tribunal in relation to costs.

4. Needless to say, nothing contained in this order is an expression of an opinion on merits of the matter or the relative strength of the parties. All issues on merits are expressly kept open to be agitated before the arbitral tribunal appointed hereby.

5. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]