



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

986 ARBITRATION APPLICATION NO. 20 OF 2025

M/s Lakshmi Nrusinha Constructions Through Its Proprietor Rajesh Baburao
Dole

VERSUS

M/s Arham Builders And Developers Through Its Partners Ashish Tejmalji
Mugdiya And Another

...

Advocate for Applicant : Mr. D. P. Palodkar /f Mr. Khoche Shubham Sudhir
Advocate for Respondents No.1a And 1b : Mr. A. S. Bajaj

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CORAM : ARUN R. PEDNEKER, J.

Dated : December 23, 2025.

PER COURT :-

1. By the present application under Section 11 of the Arbitration and Conciliation Act, 1996, the applicant seeks an order from this Court for appointment of an Arbitrator so as to complete the constitution of the Arbitral Tribunal. The Development Agreement executed between the parties contains an arbitration clause being Clause No. 25. Clause 25 is reproduced hereinbelow:

"25. Any dispute between parties shall be settled amicably at Aurangabad. In case of failure to settled the dispute amicably, which shall be referred to the Arbitrator appointed/ decided by both the parties."

2. In pursuance of the dispute that arose under the Development Agreement dated 20/07/2021, a legal notice came to be issued on 08/07/2024 in respect of the claim of the applicant. It is submitted that disputes have arisen between the parties and that the applicant has applied for appointment of an Arbitrator. The learned Counsel for the respondent submits that there is no objection to the appointment of an Arbitrator.

3. The parties have agreed to appoint Hon'ble Shri Justice Sanjay Gangapurwala (Retd.) for Arbitration of the disputes in terms of the Agreement dated 20/07/2021 between the parties. Accordingly, the arbitration application is disposed of with following order :

a] **Appointment of Arbitrator :-**

Hon'ble Shri Justice Sanjay Gangapurwala (Retd.), is appointed to act as the third arbitrator (Presiding 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 post and email addresses :

Arbitrator	:	Hon'ble Shri Justice Sanjay Gangapurwala
Address	:	Govardhangiri, Kharakiwa, Near Porwal Bhavan, Chh. Sambhajinagar.
Phone No.	:	
Email	:	

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 and the parties to obtain appropriate directions from the arbitrator 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] **Venue and seat of arbitration :**

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

4. Arbitration application is disposed of in these terms.

(ARUN R. PEDNEKER, J.)

vj gawade/-.