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IN THE HIGH COURT OF BOMBAY AT GOA

**APPLICATION FOR APPOINTMENT OF ARBITRATOR
NO. 7 OF 2025**

Mr. Mayuresh C. Gawas,
Son of Mr. Chandrakant Gawas,
Indian National, aged about 27 years,
Businessman, sole proprietor of
M/s SM Services, having his office at SF-3,
2nd Floor, Chase International Building,
Fr. Jose Vaz Road, Vasco da Gama,
Goa – 403 802

... Applicant

Versus

NKB Express Pvt. Ltd.,
A company incorporated under
The Companies Act, 2013, bearing
CIN U63030GA2021PTC014773,
Represented hereby by its director
Mr. Suraj Shivaji Singh, Indian
National, major in age, having
Office No.7 & 8, 2nd Floor, Hum
Twin Towers, Opp. Union Bank,
Upper Bazar, Ponda, Goa – 403 401

... Respondent

Mr. Bhargav Khandeparkar, Advocate for the Applicant.
Ms. Annelise Fernandes, Advocate for the Respondent.

CORAM: VALMIKI MENEZES, J.

DATED: 11th JULY, 2025.

P.C.:

1. Registry to waive office objections and register the matter.
2. The above Application is filed under Section 15(2) read with Section 11 of the Arbitration and Conciliation Act, 1996 (for short “**the Arbitration Act**”) seeking appointment of a substitute Arbitrator due to termination of mandate of Arbitrator on withdrawal from office in terms of Section 15(1)(a) of the Arbitration Act.
3. The Applicant had filed an application bearing number AAR/11/2024 before this Court for Appointment of an Arbitrator, to refer a dispute arising between the parties out of ‘Agreement for Barge Hiring Services’ dated 28.03.2023, in accordance with the Arbitral Clause at Clause 7.2 of the said Agreement. Vide order of this Court dated 24.01.2025, Shri. Justice N. A. Britto, retired Judge of the Bombay High Court, was appointed as the Sole Arbitrator.
4. Mr. Bhargav Khandeparkar, learned Advocate for the Applicant states that the parties appeared before the Sole Arbitrator and have completed their pleadings. It is further stated that the Sole Arbitrator withdrew from office by a letter dated 30.04.2025, by which, the mandate of the Arbitrator stood terminated in terms of Section 15(1)(a) of the Arbitration Act, which now necessitates the Appointment of a Substitute Arbitrator as per Section 15(2).

5. Learned Advocate for the Respondent, on instructions, states that the Respondent consents to continue the arbitration from the last stage of the arbitral proceedings before the previous Arbitrator.

6. In these circumstances, the following order is passed:

(A) Shri. R. G. Ramani, learned Senior Advocate is appointed as the substitute Arbitrator to decide upon the disputes and differences between the Applicant and the Respondent arising out of and/or in connection with and/or in relation to the Agreement referred to in para 1 above. The parties agree that the arbitral proceedings shall continue from the stage last completed by the previous Arbitrator.

(B) A copy of this order will be communicated to the learned Sole Arbitrator by the Advocate for the Applicant within a period of one week from today.

(C) The learned Sole Arbitrator is requested to forward his Statement of Disclosure under Section 11 (8) read with Section 12 (1) of the Arbitration Act to the Advocate for the Applicant so as to enable him to file the same in the Registry of this Court. The Registry of this Court shall retain the said Statement on the file of this Application and a copy of the same shall be furnished

by the Advocates for the Applicant to the Advocates for the Respondent.

- (D) The parties shall appear before the learned Sole Arbitrator on such date and at such place as he nominates to obtain appropriate directions with regard to fixing a schedule. The learned Sole Arbitrator shall give all further directions with reference to the arbitration and also as to how it is to proceed.

Correction
carried out as
per order dated
14.07.2025
sd/-

- (E) ~~The parties agree and consent that the Arbitral proceedings shall continue and be concluded within six months from the first appearance before the appointed Arbitrator and it is further agreed by the parties that the extension granted to the initial proceeding shall be deemed to be within the aforesaid time period.~~
The arbitrator shall pass an award within 12 months from the date of first appearance of the parties before the newly appointed arbitrator. The parties hereby forthwith give their consent to a further extension of 6 months for passing the award.

- (F) Contact and communication particulars shall be provided by both sides to the learned Sole Arbitrator within a period of one week from today. This information shall include a valid and functional email address as well as the mobile numbers of the respective Advocates.

- (G) Learned Sole Arbitrator shall charge his fees as per the 4th Schedule of the Arbitration and Conciliation Act, 1996 read with the Bombay High Court (Fee payable to Arbitrators) Rules, 2018. All the arbitral costs and

the fees of the Arbitrator will be borne by the Applicant and the Respondent equally and will be subject to the final Award that may be passed by the Tribunal.

(H) The parties have agreed that the seat of the arbitration will be in Goa, and the venue shall be as per the directions of the arbitrator.

7. The Application is disposed of in the aforesaid terms. There shall be no order as to costs.

8. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by email of a digitally signed copy of this order.

VALMIKI MENEZES, J.