



IN THE HIGH COURT OF BOMBAY AT GOA

**APPLICATION FOR APPOINTMENT OF ARBITRATOR
NO.11 OF 2025**

1. Colonel Neville Gracias.
S/o Carlos Ismael Pacheco Gracias,
68 years, Retired Army Officer.
 2. Brenda Gracias,
W/o Neville Hugh Gracias,
64 years, Housewife,
Both residents of Flat No.703,
Sunshree Suvarnayug, NIBM Marg,
Kondhwa, (Opp RIMS School,
NIBM Rd), Pune, Maharashtra
- ... Applicants

Versus

M/s. Sabnis Estate Developer,
Thr. Its Partners,
1. Mr. Umesh Krishnarao
Sabnis, Major in age,
2. Mr. Nitin Krishnarao Sabnis,
Major in age, 104 1st Floor Rizvi
Sadan, P B Guedes Road, Nr.
Municipal Market, Near Inox,
Panjim, Goa. ...

Ms Divya D. Parab, Advocate for the Applicant.
Mr Tarun Rebello, Advocate for the Respondent.

CORAM: VALMIKI MENEZES

DATED: 11th DECEMBER 2025

P.C. :

1. The above Application is filed under Section 11 of the Arbitration and Conciliation Act, 1996 (for short “**the Arbitration Act**”) seeking the constitution of the Arbitral Tribunal to decide the

disputes and differences arising out of the Agreements for Construction cum Sale dated 31.12.21994 and 04.01.1996, invoking Clause 30 of the Agreements entered into by the Applicant and the Respondents (hereinafter referred to as “the Agreements”).

2. There is an arbitration clause between the parties as reflected in clause 30 of Agreements which therein provides for the dispute resolution mechanism in the event that any dispute arises and under which the Applicant seeks appointment of a Sole Arbitrator.

3. The said Agreement makes a reference to claims, disputes and Arbitration. Clause 30 therein provides for the dispute resolution mechanism in the event that any dispute arises.

4. The Applicant, issued notice dated 08.05.2025 to the Respondent invoking arbitration and requesting for Appointment of Arbitrator, invoking the Arbitration Clause 30 of the Agreements and sought reference of the dispute to an Arbitral Tribunal.

5. Considering that the Arbitral Clause 30 of the Agreements, specified disputes to be resolved by an Arbitrator, and there is a dispute between the parties as to who should be appointed as the arbitrator, I hereby exercise jurisdiction under Sub-section 6 of Section 11 of the Arbitration Act and proceed to make the appointment of an Arbitrator in the below mentioned terms and pass the following order :-

(A) Mr. Pradeep Sawaikar, (Retired District Judge) is appointed as the Sole 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.

(B) A copy of this order will be communicated to the learned 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 for completing pleadings etc. The learned Sole Arbitrator shall give all further directions with reference to the arbitration and also as to how it is to proceed.

(E) 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.

(F) The 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.

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

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

7. 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.