

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

COMM. ARBITRATION PETITION NO. 35 OF 2024

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Assocons Projects LLP
Formerly Known As Associated
Construction

...Petitioner

Versus

Plastic Ominium Auto Exteriors
India Private Limited & Ors.

...Respondents

Mr. Ashish Verma, for Petitioner.

Adv. Swatantri Waghmare, for Respondent No. 1.

Ms. Mahalakshmi Ganapathy a/w. Tanmay Bhawe, for Respondent No.2.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : March 18, 2025

P. C.

1. This is a Petition 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 the Agreement dated September 11, 2017 ("***Agreement***").

2. Today, when the matter is called out, Learned Counsel for the Petitioner and Respondent No. 1 submit that they are willing to proceed to arbitration leaving all contentions on merits open. Since Learned Counsel for the Petitioner submits that he has no intention to proceed against Respondent No. 2. Objections of Respondent No. 2 need not be considered.

3. In these circumstances, the Petition is *finally disposed of*, in terms of the following order:

A] The disputes and differences covered by this Petition is hereby referred to the Indian Law Society's Centre for Arbitration and Mediation, Pune (<https://ilsca.co.in>), in terms of its Institutional Arbitration Rules, to appoint an appropriate arbitrator to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above;

B] A copy of this Order will be communicated to the Indian Law Society's Centre for Arbitration and Mediation, Pune by the Advocates for the Petitioner within a period of one week from the date on which this order is uploaded on the website of this Court. The Petitioner shall provide the contact and communication particulars of the parties to the Centre 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.]