IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 242 OF 2025

Kalpana Struct Con Private Limited ...Petitioner

Versus

Navi Mumbai Municipal Corporation Through City Engineer ...Respondent

Mr. Suyash Gadre, *a/w Abhishek Thoke, i/b Abhishek Thoke, for the Petitioner.*

Mr. Tejesh Dande, *a/w Bharat Gadhavi, Sarvesh Deshpande, Hemant Ghadge for Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : DECEMBER 19, 2025

ORDER :

1. This Petition 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 June 15, 2021 ("***Agreement***"). The arbitration agreement is contained in Clause 116 (found at Pages 226 and 227 of the Petition). 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.

ASHWINI JANARDAN VALLAKATI
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Date: 2025.12.22 18:10:26 +0530

2. Learned Counsel for the parties submit that there is no

quarrel in proceeding to arbitration. The parties also confirm that the seat can be Navi Mumbai and the venue may be Mumbai.

3. In these circumstances, this Petition is hereby ***finally disposed of***, appointing the arbitral tribunal in the following terms:

A) Justice (Retd.) G.A. Sanap, a former judge 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:- Flat No. 2002 Surabhi Cooperative Society, Near Oshiwara Police Station, Jogeshwari West – 400102
Email ID: govindsanap21@gmail.com

B) A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner within a period of one week from the date of upload of this order. The Petitioner 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.]