
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 95 OF 2024
WITH
INTERIM APPLICATION NO. 1161 OF 2019
IN
ARBITRATION PETITION NO. 95 OF 2024

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M/s. Sangha Erectors Private Ltd.
Engineers and Contractors through its
Managing Director S.S. Sangha ...Petitioner

Versus

M/s. Thermax Limited
through its Managing Director
Unnikrishnan Mangalath S. Panicker ...Respondent

Mr. B. Gopalkrishnan a/w. *Nilesh S. Ghadge*, for Petitioner.

Mr. Abhijeet Marathe, for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : March 10, 2025

P. C.

1. This is a Petition under Section 11 of the Arbitration and Conciliation, 1996 (“*the Act*”), seeking appointment of an arbitrator.

2. Today, when the matter is called out, Learned Counsel for the parties jointly submit that they would be willing to proceed to institutional arbitration. All contentions are kept open, including appropriateness of invocation.

3. In these circumstances, this Petition is hereby ***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, and to administer the arbitration;

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 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.]