

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.260 OF 2025

Nimit Tapan Ghoshal

....Petitioner

Versus

Palmtree Developments Private Limited & Ors.Respondents

Mr. Manish P. Jain, for Petitioner.

None for Respondents.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : DECEMBER 9, 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 Articles of Agreement dated November 14, 2014 and January 7, 2016 (***“Agreements”***). The arbitration agreements are contained in Clause 8 and 10 (Found at Page Nos. 27 and 33 of the Petition) of the Agreements. In the interest of brevity, the arbitration agreements are not being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

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DECEMBER 9, 2025

Aarti Palkar

(This order is corrected pursuant to Speaking to the Minutes of Order dated December 24, 2025)

2. The existence of an arbitration agreement is not in doubt. It is the named arbitrator who, vide an e-mail dated March 9, 2022, had recused from the matter.

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

A] Justice (Retd.) A.I.S. Cheema, 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 ;

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Hasim Building, 4th Floor,
Opp. Akbarallys, V. N. Road,
Fort, Mumbai – 400 001.

Email ID: ashokcheema15@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.]