

ARBITRATION PETITION NO.9 OF 2024

DATE : APRIL 24, 2025

2. After the matter was argued for some time, Learned Counsel for the Respondent submits that he has no objection to proceed to

arbitration since the existence of the arbitration agreement is not disputed. However, he would submit that the instrument purporting to be the invocation notice is not the invocation notice at all.

3. This contention be kept open for consideration by the arbitral tribunal appointed hereby. With this direction, no useful purpose would be served by keeping this matter pending on the docket of this Court any further.

4. In these circumstances, this Petition is *finally disposed of* by referring all disputes and differences covered by this proceeding to arbitration by the Learned Sole Arbitrator hereby appointed in the following terms:-

A] Mr. Sudhir Kotwal, a Learned Advocate 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. The contact details of the Learned Arbitrator are set out below:-

Address : Chamber No.2, Maruti Building,
District Court Compound,
Nashik.

Contact No. : 9822654726

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 on the website of this Court. 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 and;

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.

5. 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.

6. 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.]