
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.18 OF 2024

Anita Dineshkumar Gandhi

....Petitioner

Versus

Mr. Vilas Kantilal Parmar

....Respondent

Appearance not received.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 15, 2025

PC :

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 arising out of Agreement dated June 19, 2006 (*"Agreement"*). The arbitration agreement is contained in Clause 34 (found at Page 58 of this Petition). In the interest of brevity, the same is not reproduced here. Suffice it to say that the matter falls within the jurisdiction of this Court.

2. The arbitral tribunal is a panel of three arbitrators of whom two have passed away. The surviving arbitrator one Mr. Nimbalkar is the husband of Respondent No.3. In these circumstances, considering that the independence and impartiality is a bedrock of arbitration, with or

without the effect of the amendments to the Act effected in 2015, it would not be possible for Mr. Nimbalkar to be an arbitrator to adjudicate disputes and differences between the parties.

3. After the matter was argued for sometime, Learned Counsel for the parties jointly submit that they would be willing to proceed to arbitration by a sole arbitrator despite the named three-member arbitral tribunal being provided for in the agreement between the parties.

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] Ms. Prajakta Ranadive, a former District Judge in Pune 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 : C/o. Ganesh Pawar,
8-D-11, 3rd Floor, Bansuri Building,
Nadabramh Society,
Warje, Pune – 411 058.

Email Id : : prajaktaranadive@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 today. 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.]