
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Arbitration Petition NO. 20 OF 2025

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Mr Mahana
Versus
Union Of India

...Petitioner(s)

...Respondent(s)

Mr. Akhil Rao, for Petitioner.

Mr. Pranil K. Sonawane a/w. Raj Chourasia, for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : April 30, 2025

P. C.

1. This is a Petition under Section 11 of the Arbitration and Conciliation of the 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 the Contract Agreement dated September 12, 2017 (“***Agreement***”).

2. Learned Counsel for the Petitioner submits that he has no quarrel with picking a name out of the panel maintained by the Respondent since this is a panel of arbitrators constituted by the Ministry of Defence. In these circumstances, picking one of the names from the list, he submits that the Petition may be allowed since the identity of the arbitrator is being taken from the list maintained by the Ministry of Defence in its panel.

3. In these circumstances, no useful purpose would be served keeping this matter pending any further. In these circumstances, this Petition is hereby ***finally disposed of***, in terms of the following order:

A] Mr. Sorabh Mathur, Jt DG, MES Dept., 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.

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 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 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.]