

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.27 OF 2025

M/s. Ochre & Black Pvt. Ltd.

...Petitioner

Versus

IV Enterprises & Ors.

...Respondents

Mr. Nikhil Rungta, *Advocate for Petitioner.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 3, 2025

PC :

1. On January 6, 2025, this Application under Section 11 of the Arbitration and Conciliation Act, 1996 (*"the Act"*) had come up and the matter had been heard at some length. As recorded in the order passed on that date, there appears to be no dispute about the existence of the arbitration agreement and it was indicated that the Court would dispose of the matter on the next date.

2. Today, when the matter is called out, yet again, none appears for the Respondents. In these circumstances, I see no reason to keep this application pending any further. Since a dispute between the very same parties in matters relating to the dispute for which this Petition has been filed has already been referred to arbitration by the Learned Sole Arbitrator, who I appointed on January 13, 2025, let the same arbitrator conduct the arbitration in connection with this dispute as well.

3. In these circumstances, the Section 11 Application is finally disposed of appointing an arbitral tribunal in the following terms:-

A] Mr. Rohan Kelkar, an 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;

Office Address:- 14-C, 1st Floor,
Examiner Press Building,
Dalal Street, Fort,
Mumbai – 400 001.

Email ID :- kelkar.rohan@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 Petition 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.]