
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.43 OF 2024

Shri. Anand Krishnadev Gosavi
Versus
M/s. Jogeshwari Developers & Ors.

....Petitioner
...Respondents

Mr. Adhik Kadam *i/b. Santaram Tavade, Advocate for Petitioner.*

Respondent was represented, but the appearance has not been given.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JUNE 16, 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 arising out of a Partnership Deed dated December 10, 2012 (*“Agreement”*). The arbitration agreement is contained in Clause 15 (found at Page 26 of the Petition) of the Agreement. In the interest of brevity, the arbitration agreement is not being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

2. Learned Counsel for the Respondents entered appearance and accepts notice. He submits that although the agreement on record appears to have been signed, he has instructions to contend that the signature is contested. Consequently, leaving this contention open and leaving it to the Learned Counsel for the Respondents to prove to the Arbitral Tribunal that the signature is actually forged as alleged by his client, this Petition is being allowed.

3. Since the Respondent has consented to proceed to arbitration this Petition is *finally disposed of*, in terms of the following order:

A] Mr. Mihir Naniwadekar, 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 : Office – 1202, Bhushan, Mayur Colony,
Kothrud, Pune – 411 038.

Email Id : : mihir.naniwadekar@protonmail.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.

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.]