
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION APPEAL (ST) No. 22187 OF 2024
(U/s. 37 of A & C Act, 1996)

WITH

INTERIM APPLICATION NO. 11762 OF 2024

WITH

ARBITRATION PETITION NO. 122 OF 2024

Mr. Pravin Shankarlal Chhajed

...Appellant

Versus

M/s. Arham Properties
through Partners

Mr. Muzafar N. Pithawala & Ors.

...Respondents

Mr. Arshad Nehal *a/w. Anshuman Deshmukh for Appellants in ARAST-22187-2024 & for Petitioner in ARP-122-2024.*

Mr. Karl Shroff *a/w. Avinash Joshi, Neeta Patil and Sanket Chandane i/b S.R. Nargolkar, for Respondent Nos. 1 to 4.*

Mr. Vishwajit P. Sawant, Senior Advocate *a/w. Pradeep Nanajkar and Prabhakar M. Jadhav, for Respondent No. 5 in ARAST-22187-2024 and in ARP-122-2024.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : March 10, 2025

P. C.

1. Essentially, the disputes centre around claims by a retired partner against the firm and its existing partners. One of the Respondents is said to be a joint venture between the partnership firm and a third party.

2. On the last occasion, Learned Counsel for all parties were asked to take instructions as to whether they would be willing to proceed to

arbitration, without the Court having to deal with this appeal, on the premise that the arbitrator would deal with all facets of the matter, including appropriate interlocutory reliefs that would be necessary, even prior to adjudicating arbitrability because the issue of arbitrability would involve mixed questions of fact and law.

3. Today, when the matter is called out, Learned Counsel for the Respondent submit that they would be willing to proceed to arbitration for the arbitral tribunal to consider such reliefs. Needless to say, *pro tem* arrangements and interlocutory reliefs that would be appropriate even while the question of arbitrability may require evidence to be led, would be within the domain of the arbitral tribunal. Without being influenced by the issue of arbitrability as a threshold issue, the arbitral tribunal shall deal with and issue appropriate interlocutory arrangements for the parties to enable an expeditious resolution of the disputes.

4. With the aforesaid directions, the Application is ***finally disposed of*** in the following terms :

A] Justice (Retd.) Smt. Shalini Phansalkar Joshi, Former Judge 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 particulars are set out below :

Office Address: Bhagya Chintamani Society,
Opp. Kachra Depot, Paud Road, Kothrud,
Pune 411038.

Email : phansalkarjoshi@gmail.com

B] A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Applicant within a period of one week from the date on which this order is uploaded on the website of this Court. The Applicant shall provide the contact and communication particulars of the parties to the Arbitral Tribunal along with a copy of this Order; The contact details are as under :

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.

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. Interim Application in Appeal being Interim Application (L.) No. 8774 of 2025 and Interim Application in Arbitration Petition being Interim Application (L.) No. 8685 of 2025, which are not listed on Board, are taken up with consent of the parties, for hearing, and are hereby allowed. Amendments shall be carried out within two weeks from the date of this order is uploaded on the website of this Court. Needless to say, these are formal since the proceedings are finally disposed of.

7. 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.]