
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.134 OF 2024

M/s. SKAC-SDPL JV

...Petitioner

Versus

M/s. Jaigarh Digni Rail Limited (JDRL)

...Respondent

Ms Archana Shelar *i/b. Mr. Avinash Fatangare, Advocate for Petitioner.*

Mr. Karl Tamboli *a/w. Bindiya Raichura, Advocates for Respondents*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 28, 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 May 3, 2017 (***“Agreement”***). The arbitration agreement is contained at Clause 15.1.2 (found at Page 66 of the 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. Today, when the matter is called out, Learned Counsel for the Respondent submits that the Respondent has no quarrel in proceeding to arbitration. The arbitration clause agreed between the parties entails the arbitration by the Indian Council of Arbitration ("**ICA**"). The parties agree to proceed to the ICA for appropriate appointment of the arbitrator.

3. In these circumstances, taking on board consensus between the parties, this Petition is ***finally disposed of*** in the following terms:-

A] The disputes and differences covered by this Petition are hereby referred to the ICA, in terms of its Institutional Arbitration Rules, to appoint an appropriate arbitrator to adjudicate upon the disputes and differences between the parties arising out of and in connection with the Agreement referred to above and administer the same;

B] A copy of this Order will be communicated to the ICA 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 ICA 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. Liberty to apply should the ICA not appoint the arbitral tribunal within a reasonable period.

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.]