
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO. 184 OF 2024

Swan Bio Fuels LLP ...Petitioner

Versus

Manganga Sahakari Sakhar Karkhana Ltd ...Respondent

Mr. Bernardo Reis, i/b Pavan Patil, for the Petitioner.

None for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JULY 4, 2025

PC :

1. This Petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 ("***the Act***").

2. By an order dated April 29, 2024, a Learned Single Judge of this Court had been pleased to appoint an arbitrator in connection with disputes and differences between the parties. However, the said arbitrator has recused himself from conducting the arbitration.

3. In these circumstances, the Petitioner appears to have filed an Application in the disposed of Petition but had been advised to file a fresh Petition. Consequently, this Petition came to be filed. Since

existence of the arbitration agreement is the only facet that this Court should examine, and the Learned Single Judge of this Court had already examined the same and appointed a Sole Arbitrator, the substituted arbitrator ought to be appointed forthwith, considering that one year has already been lost since the last appointment of the arbitrator.

4. In these circumstances, this Petition is *finally disposed of* in the following terms:-

A) Justice (Retired) S.R. Sathe, a 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;

Office Address:-

A-802, Ruturang Apartment,

Behind Paranjape School,

Kothrud, Pune-411 038

Tel No. 02025396407

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 of upload of this order. 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 Advocates for the Petitioner so as to enable them to file the same in the Registry of this Court. The Registry of this Court shall retain the said Statement on the file of this Petition and a copy of the same shall be furnished by the Advocates for the Petitioner to the Respondent;

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. 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.]