
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO.191 OF 2024

Ntex Transportation Services Pvt. Ltd.Petitioner
Versus
Mr. Babubhai Narsinbhai PatelRespondent

Mr. K.K. Modi, *Advocate for Respondent (through VC)*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 22, 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 November 11, 2022 (***“Agreement”***). The arbitration agreement is contained in Clause 7 (found at Page 4 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. Learned Counsel for the Respondent submits that the entire cause of action lies in Gujarat, and therefore, despite the agreed seat of arbitration being in Pune, it should be the Courts of Gujarat that should be approached for appointment of an arbitrator. I am afraid this

argument does not lend itself to acceptance since it is now clearly declared law that when the parties have chosen a seat, it could well mean that the parties have consciously sought a neutral venue or a convenient venue. That being the chosen venue, the principle of party autonomy would apply, and it would not be appropriate to entertain the objection that the seat of the arbitration should be regarded as Gujarat.

3. In these circumstances, no useful purpose would be served by keeping this Petition pending any further, consequently, this Petition is *finally disposed of* in the following terms:

A] Ms. Prajakta Ranadive, 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 : C/o. Ganesh Pawar,
8-D-11, 3rd Floor, Bansuri Building,
Nadabramh Society,
Warje, Pune – 411 058.

Email Id : : prajaktaranadive@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 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.]