

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION APPEAL NO. 1 OF 2025

M/s. S D Bhalerao Construction Pvt. Ltd.
Through Director And Authorised Signatory
Mr. Sanjay Bhalerao

... Appellant

Versus

M/s Vartak Nagar Prakash Co-Operative
Housing Society Ltd. Thane & Ors.

... Respondents

WITH
INTERIM APPLICATION NO. 12100 OF 2025
WITH
INTERIM APPLICATION NO. 7757 OF 2025
WITH
INTERIM APPLICATION NO. 57 OF 2025
IN
ARBITRATION APPEAL NO. 1 OF 2025

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : October 17, 2025

(In Chambers)

Order :

1. By way of a praecipe, a request was made for speaking to the minutes of the Order dated September 30, 2025, to correct errors. The matter was reviewed in Chambers and this order is passed.

2. In the appearances, the following be added :

“Mr. Shreepad Murty a/w. Adv. Sahil Wagh i/b Adv. Abhishek Patil, for Respondent No. 1 of proposed Respondent.

Mr. Prashant Vasudeo Malik (through VC), for

Respondents.

Mr. Shyam Powale, Chairman for Respondent No. 7-Society.

3. In the order, the following be added after paragraph No. 4:

“5. In these circumstances, the arbitral tribunal is constituted in the following terms :

A] Mr. Sadashiv S. Deshmukh, an 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;

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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;

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 Arbitral Tribunal in relation to costs.

6. 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.

4. “Paragraph 5” be renumbered as “*Paragraph 7*”.

5. The following be added as “*Paragraph No.8*”.

“8 In view of disposal of the Appeal, attendant interim applications also stand *disposed of*.”

6. The rest of the aforesaid order remains unaltered. The original order shall be corrected and made available to the parties.

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.]