

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**ARBITRATION APPEAL NO.5 OF 2025
WITH
INTERIM APPLICATION NO.2841 OF 2025
IN
ARBITRATION APPEAL NO.5 OF 2025**

Jaichand B Mahala ..Appellant/Applicant
Versus
Rekha A Punia & Anr.Respondents

Ms. Rukmini Khairnar *i/b. Pramod Joshi, Advocate for Appellant/Applicant.*

Mr. Ranabir Datta, *a/w. Abhishek Bhaduri & Deepadnya Wwalunj, Advocate for Respondent No.1 (through VC).*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : AUGUST 12, 2025

ORDER :

1. This is an Appeal filed being aggrieved by the Judgment and Order dated October 3, 2024, passed by the Learned District Judge, Dadra & Nagar Haveli at Silvassa.
2. It is common ground that the Arbitral Award is a product of a unilaterally appointed arbitrator. In these circumstances, Learned Counsel for the parties have instructions to proceed to arbitration forthwith by a sole arbitrator appointed by this Court in this order.

3. Learned Counsel for the Respondents would submit that the Appellant had indulged in fraudulent conduct and has been disposing of assets and he would need urgent interlocutory relief even while the award is being set aside and sent back to arbitration by a named arbitrator in terms of this order.

4. In these circumstances, the Arbitral Tribunal appointed hereby is requested to convene within a week of being approached to issue directions on interlocutory arrangements to be put in place to preserve the subject matter of the arbitration agreement. The parties shall communicate with the Learned Arbitral Tribunal within a week of the upload of this order, so that effectively within two weeks from the upload of this order, the parties would be able to address the Learned Arbitral Tribunal on any appropriate interlocutory arrangements to be put in place to preserve the subject matter of the dispute.

5. With the aforesaid directions, the Appeal is *finally disposed of* in the following order :-

A] Presolv360, an independent online dispute resolution institution is directed to appoint a sole 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] The contact particulars of the Director, Presolv360 are set

out below:-

Email id : info@presolv360.com

Contact No. - +91-9820167337

Address : 1st Floor, Esperanca Building,
Shahid Bhagat Singh Road,
Colaba, Mumbai – 400 001.

Website : www.presolv360.com

C] A copy of this Order will be communicated to Presolv360 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 Presolv360 along with a copy of this Order;

D] It is clarified that Presolv360 being an ODR institution, all proceedings will be conducted online through electronic mode, unless otherwise agreed between the appointed Arbitrator and the parties, with appropriate notification to the administration of Presolv360.

E] The administration of Presolv360 is requested to appoint an independent arbitrator in compliance with the Act and its own rules consistent with the Act as soon as possible and in any event within a period of two weeks from receipt of a copy of this Order;

F] 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 administration of Presolv360 and any other particulars as reasonably requested by the administration . Communications to such email addresses shall constitute valid service of correspondence in connection

with the arbitration;

G] All arbitral costs and fees of the arbitration 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; and

H] The seat of the arbitration shall be Silvassa, while the arbitration shall primarily be conducted online.

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.

7. In view of disposal of the main Appeal, nothing survives in the Interim Application and the same is also ***finally disposed of*** accordingly.

8. 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.]