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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 25 OF 2025
IN
ARBITRATION PETITION NO. 7 OF 2023

Sanjeev Suresh Agarwal

...Applicant

Versus

Sumayyash Shyamlal Agarwal and Anr.

...Respondents

**Mr. Someshwar Pawale Patil i/b Mr. Purushottam Gopal Chavan for
the Applicant.**

Advocate for the Respondent appeared but appearance not tendered.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 28, 2025

PC :

1. This is a matter necessitating substitution of an arbitrator since the arbitrator appointed by an order of this Court under Section 11 of the Arbitration and Conciliation Act, 1996 (“***the Act***”) has passed away.

2. In these circumstances, no useful purpose would be served by keeping this application pending any further and the arbitrator who has expired is hereby substituted.

3. In these circumstances, the Application is ***finally disposed of*** in the following terms:-

A] Mr. R.B. Agarwal, Retired District Judge is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties;

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Pune – 411 006.

E-mail : rajendra.agarwal1958@gmail.com

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 Advocates for the Applicant 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 Application and a copy of the same shall be furnished by the Advocates for the Applicant to the Respondents;

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.

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.]