

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 13199 OF 2024
IN
ARBITRATION PETITION (ST) NO. 92564 OF 2020

Sahinder Pritamsingh Khanuja ...Applicant

Versus

Jayesh Pramodbhai Thakkar ...Respondent

WITH
INTERIM APPLICATION NO. 11479 OF 2025
IN
ARBITRATION PETITION (ST) NO. 92564 OF 2020

MR. Hrushi Narvekar, Counsel, a/w Rishir Daulat, Ayush Khandelwal, Namrata Patkar, Nishtha Maheshwari, i/b TRD Associates, for the Applicant.

Mr. Sujit Mashal, i/b H.N. Nasikwala, for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : SEPTEMBER 8, 2025

ORDER :

1. Since it is common ground that the incumbent arbitrator has recused from the matter on health grounds, the arbitrator needs to be substituted. In these circumstances, the parties leave it to the Court to appoint a substitute arbitrator.

2. Since the Learned Sole Arbitrator appointed in the matter has recused, it would be necessary to substitute the arbitrator in the following terms:-

A) Mr. Rajesh Datar, an advocate of this Court is hereby appointed as the Sole Arbitrator to adjudicate upon the disputes and differences between the parties covered by this Application;

Office Address :-

Office – 2, Blaze Business Centre,
First Floor, Birla Mansion,
Near Commerce House,
134, N M Road,
Fort, Mumbai 400 023
Email id – rajeshdatar@yahoo.co.in

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 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 Tribunal in relation to costs.

3. 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. 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.]