
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 22 OF 2024

Mr. Atul Kisanrao Girme

...Petitioner

Versus

Sant Dnyaneshwar Hospital Medical & Ors

...Respondents

Mr. Asha Kanzariya i/b Vijay Upadhyay for the Petitioner.

Appearance not received for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 8, 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 that are said to have arisen between the parties under the Partnership Deed dated May 28, 2013. The arbitration agreement is contained in Clause 18 (found at Page 30 of the Petition). In the interest of brevity, the arbitration agreement is not being extracted here. Suffice it to say that this matter falls within the jurisdiction of this Court.

2. Learned Counsel for Respondent Nos. 2 to 5 has entered appearance and accepts notice. Learned Counsel for the Petitioner has

also stated that, based on discussions between the two sides, all disputes and differences have been agreed to be referred to a sole arbitrator to conduct the arbitration in Pune.

3. In these circumstances, taking on board the consent between the parties, all disputes and differences covered by this Petition stand referred to a Learned Sole Arbitrator.

4. In these circumstances, this Petition is hereby *finally disposed of*, in terms of the following order:

- a) Mr. Mihir Naniwadekar, 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;

Office Address:-

1202, Bhushan, Mayur Colony,

Kothrud, Pune- 411 038

Email ID: mihir.naniwadekar@protonmail.com

- b) A copy of this Order will be communicated to the Learned Sole Arbitrator by the Advocates for the Petitioner from the date on which this order is uploaded on the website of this Court. 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;
- 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.

5. 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.

6. 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.]