

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
IN ITS COMMERCIAL DIVISION

COMMERCIAL ARBITRATION PETITION NO. 23 OF 2024

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Supreme Infrastructure India Limited

... Petitioner

Vs.

Vs

The Executive Engineer (Nur-II)

CIDCO Limited and Others

.. Respondents

Mr. Udaya Sankar Samudrala a/w. *Sujit Kumar Upadhyay, Shivesh Jagdish Upadhyay, for Petitioner.*

Mr. Soham Bhalerao a/w. *Harshit Tyagi i/b DSK Legal, for Respondent Nos. 1 to 4-CIDCO.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : July 16, 2025

Order :

1. This Petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (*"the Act"*), seeking appointment of an arbitrator.

Reply on behalf of the Respondent is taken on record.

2. The Respondent, namely, the Executive Engineer of CIDCO or any other Senior Officer of CIDCO shall file an affidavit confirming whether in all cases where CIDCO has signed the same standard form contract as is appended to this petition, CIDCO has refused to treat the clause as being an

arbitration agreement, or whether in any case CIDCO has participated in arbitration. Statistics in that respect for the last three years shall be compiled and set out in the affidavit to demonstrate the manner in which, as a policy matter, CIDCO has been treating the clause in question, namely clause No. 67 found at Pages 89 to 93 of the Petition.

3. Let such an affidavit be filed ***no later than July 29, 2025***. Stand over to ***July 30, 2025***.

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.]