
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 26 OF 2024

Apex Infralnk Limited

...Petitioner

Versus

Aadransh Private Limited

...Respondent

**Ms. Sheetal Shah, a/w Megha, i/b M/s. Mehta & Girdharlal, for
the Petitioner.**

None for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JUNE 12, 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 an agreement dated March 10, 2023. The arbitration agreement is contained in Clause 16 (found at Page 36 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. It is apparent that the existence of an arbitration agreement is not in dispute. By invocation notice dated April 4, 2024, the Petitioner

had nominated the arbitrator but the Respondent has rejected the proposal to proceed to arbitration despite being party to the arbitration agreement.

3. Consequently, Ms. Anuradha Bhatia, former Member, NCLT Mumbai, is hereby appointed as a nominee arbitrator on behalf of the Respondent. The two arbitrators so appointed shall appoint the third arbitrator, who shall be the presiding arbitrator to adjudicate all disputes and differences between the parties.

4. With the aforesaid observations, this Petition is *finally disposed of* in the following terms:-

A] Ms. Anuradha Bhatia, is hereby appointed as a nominee Arbitrator on behalf of the Respondent to adjudicate upon the disputes and differences between the parties arising out of and in connection with the agreement referred to above;

Email ID: anubhatia60@yahoo.com

B] A copy of this Order will be communicated to the nominee 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 two nominee Arbitrators shall appoint the presiding Arbitrator. 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 Arbitral Tribunal 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 Petitioner 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 Petition and a copy of the same shall be furnished by the Advocates for the Petitioner to the Respondent;

D] The parties shall appear before the Arbitral Tribunal 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.]

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signed by
ASHWINI
JANARDAN
VALLAKATI
Date:
2025.06.24
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